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Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, March 14, 2017, at 12 p.m.

House of Representatives

FRIDAY, MARCH 10, 2017

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. JENKINS of West Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 10, 2017.

I hereby appoint the Honorable EVAN H. JENKINS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

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

Loving God, thank You for giving us another day.

Be with each of us that we might be our very best, and prove ourselves worthy of Your love and Your grace. Bless our President and those who work in the executive branch and the Supreme Court with Your wisdom and good judgment.

Be with the Members of this people's House in their work and deliberations this day that they might merit the trust of the American people and manifest the strength of our democracy to the nations of the world.

Without You, O Lord, we can do nothing. With You and in You, we can establish a world of peace, goodness, and justice now and into the future.

May all that is done this day be for Your greater honor and glory. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. WENSTRUP) come forward and lead the House in the Pledge of Allegiance.

Mr. WENSTRUP 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 PRO TEMPORE

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

CELEBRATING MARS PETCARE FOR TWO MILLION MAN HOUR SAFETY AWARD

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

Mr. WOMACK. Mr. Speaker, I rise today to recognize Mars, Incorporated, and Mars Petcare's Fort Smith, Arkansas, facility which was recently honored with the Two Million Man Hour Safety Award from the Arkansas Department of Labor.

As a family-owned business since its founding in 1911, Mars has been a leading example of corporate responsibility practices that benefit their dedicated employees and the communities in which they operate.

Since Mars first opened the doors of its Petcare facility in Fort Smith in 2007, they have provided stable employment to over 200 Mars associates who are responsible for making food for our pets under the brand names Cesar, Nutro, and Sheba.

Impressively, Mars' Fort Smith facility has accumulated 2 million work hours over 5 years without a lost day away from work due to a work-related injury or illness, a direct testament to the great workforce in Fort Smith and the leadership of the Mars organization.

In addition to their excellent safety record, Mars has had a significant impact on my district's local economy. Recently, Mars Petcare announced plans to expand the Fort Smith facility, which is expected to generate an additional 130 new jobs over the next several years.

On behalf of everyone in northwest Arkansas, I am happy to celebrate this important milestone with Mars' Fort Smith facility, and I thank Mars for its continued dedication to our community.

WORKING FAMILIES DESERVE BETTER THAN TRUMPCARE

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

Mr. CICILLINE. Mr. Speaker, right now Republicans are racing to pass TrumpCare, legislation that repeals and replaces the Affordable Care Act.

They are racing to pass it to because they know when the American people find out what is in this bill, they won't support it.

But let me tell you what TrumpCare does, Mr. Speaker.

It gives huge tax cuts to insurance companies and the top 1 percent.

It allows insurance companies to raise premiums by 25 percent for older Americans.

It eliminates funding for Planned Parenthood, denying millions of women critical care.

It cuts lifesaving support for the most vulnerable: children, Americans with disabilities, the frail elderly, and nursing home residents.

And it slashes funding for Medicaid.

TrumpCare is a great deal for the wealthy. TrumpCare is a great deal for insurance companies and drug companies. It is a raw deal for everyone else.

Millions will lose healthcare coverage. And let's be clear, people are going to die when this happens. Millions more will end up paying for more lower quality care, and Republicans don't even have a plan to pay for their proposal.

After 7 years, this is it. This is the best they have got: tax cuts for the rich and bad health care for everyone else.

Working families deserve better.

CONGRATULATING THE GENEVA VIKINGS

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

Mr. HULTGREN. Mr. Speaker, I rise today to congratulate the Geneva Vikings girls basketball team on winning their first Class 4A State championship at ISU's Redbird Arena on Saturday.

Facing the Edwardsville Tigers, the Geneva High School girls fought a close back-and-forth game until its final minutes.

Beating an unbeaten team is no small feat. With just 3.7 seconds left on the clock, junior guard Stephanie Hart made a shot to give the Vikings a one-point lead. As center Grace Loberg then stole the ball from the Tigers to run out the clock, the Tigers were unable to answer, giving Geneva the win, 41–40.

Virtually the same thing had happened in the semifinal the day before, when junior guard Margaret Whitley scored the game-winning point with just seconds left.

Clearly, the Vikings do well under pressure. I applaud Coach Sarah Meadows and the Geneva Vikings on their achievement and their hard work.

Go, Vikings.

OPPOSING GOP'S HEALTHCARE REPEAL

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

Mrs. NAPOLITANO. Mr. Speaker, good morning, and listen, America.

One of the Affordable Care Act's biggest successes was increasing mental health services for all the people through mental health parity protections and Medicaid expansion.

The GOP's pay-more-for-less bill cuts taxes on the wealthy at the expense of those who can least afford to pay for their health coverage, like low-income families.

One in five of Medicaid's 70 million beneficiaries have a mental health or a substance abuse disorder, and reports show services are needed especially for children. The bill would hurt those people by eliminating Medicaid expansion and gutting mental health services for this group, including the nearly 60,000 now covered in my district.

I strongly oppose this repeal effort and urge our Republican colleagues to work with us to strengthen the Affordable Care Act so more Americans can have access to lifesaving care.

Please, please, do that for us.

HONORING TOP SCHOOLS IN GEORGIA'S FIRST CONGRESSIONAL DISTRICT

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to acknowledge the academic accomplishments of several school systems in Georgia's First Congressional District.

Niche is a website which analyzes data gathered from the Department of Education that focuses on academics, student life, test scores, and college enrollment. With this data, they rank each school system and help families find the best schools for their children.

This year, Georgia's First District had the honor of placing 10 school systems in their top 100 school districts in Georgia. It comes as no surprise to me that so many of these outstanding school districts made this great achievement.

Camden County School District ranks as the top school system in the district and even cracked the top 10 for the State, ranking as the number 7 overall school system in Georgia. Camden County scored top marks in the categories of diversity, teachers, health and safety, administration, and sports.

In addition to Camden County, I am proud to recognize, today, the other school districts to reach the top 100: Pierce County, Lowndes County, Ware County, Effingham County, Glynn County, Bryan County, Bacon County, Echols County, and Chatham County.

Congratulations to each school's administration, teachers, and students whose hard work and dedication made this accomplishment possible.

I look forward to the future success that will surely come from these schools.

TRUMPCARE IS DESTRUCTIVE LEGISLATION

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

Ms. ROYBAL-ALLARD. Mr. Speaker, President Trump and the Republican Congress promised a better plan for health care that would be good for all Americans.

Now that we have seen their plan, we know the truth. Passage of the American Health Care Act will not improve health care or reduce healthcare costs. Instead, it will cut critical health access and benefits for children, older adults, pregnant women, communities of color, and people living with disabilities.

If TrumpCare becomes law, it will destroy Medicaid as we know it, while also increasing costs of health care for working class families across the country.

It is unconscionable that this kind of destructive legislation should be shoved through Congress without hearings or stakeholder input.

I urge my Republican colleagues to reject this shortsighted bill and work with Democrats to strengthen the Affordable Care Act, a healthcare plan that is working well for millions of Americans.

HONORING CHARLES GERACI

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

Mr. WENSTRUP. Mr. Speaker, a member of the Ohio Second District community passed away this week, and our Nation lost a hero.

Charles Geraci was a beloved resident of Norwood, Ohio. He was known as a husband of 70½ years, grandfather to 31, and a great-grandfather to 16.

But he was also an American hero. Charles enlisted in the Army on December 10, 1942, and, after basic training, was stationed in England in 1943. Just a few months later Charles was in the second wave at Omaha Beach in Normandy, where he was wounded while storming the beaches. After recovering and being sent back to his unit, Charles was wounded by shrapnel and then shot again during combat. He was in Normandy for only 5 months and credits his survival to God.

While his courage earned him three Purple Hearts and the Bronze Star Award, Charles refers to his service

during World War II with a deep humility that defines the Greatest Generation. He said: ''We were there to do the job, and we did it. And I came back.''

Our country can never repay Charles for his service and sacrifice, but we can stand as a grateful nation to honor his life and legacy with our deepest respect.

Our thoughts and prayers are with his wife, Helen, and the rest of the Geraci family.

Truly, it is men and women like Charles Geraci whom we can credit for the gift of freedom that we are able to pass along to our children and grandchildren. They protected and preserved that gift with their very lives. For that, we remain eternally grateful.

PRESERVING HEALTH CARE FOR VETERANS

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

Mr. GALLEGO. Mr. Speaker, today I rise as a proud marine on behalf of countless veterans across America whose healthcare options will vanish if House Republicans succeed in repealing the Affordable Care Act. The ACA has provided an invaluable safety net for our Nation's veterans, fulfilling critical gaps in coverage within the VA system.

Mr. Speaker, in the first 2 years after the ACA's implementation, the rate of uninsured veterans dropped by an astonishing 43 percent. This was largely due to the fact that, through the ACA's Medicaid expansion, 7 out of 10 previously uninsured veterans became eligible for coverage.

The Republicans' so-called repeal-and-replace plan would slash veterans' options by abandoning our commitment to a more inclusive Medicaid program. Democrats refuse to compromise on care for our Nation's heroes, and we absolutely refuse to compromise in the fight to preserve the lifesaving Affordable Care Act.

THE PEOPLE'S RIGHTS AMENDMENT

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

Mr. MCGOVERN. Mr. Speaker, it has been 7 years since the dreadful Citizens United ruling.

In upholding the rights of corporations to donate to political campaigns under the First Amendment, the Supreme Court created an election system that is now corrupted by limitless, unregulated donations. Ordinary citizens are left powerless, and politicians are increasingly beholden to wealthy special interests.

Since Citizens United, we have seen a major telecommunications company, oil companies, and the tobacco industry all attempt to dismantle regulations and disclosure rules by claiming First Amendment rights. Today, I am reintroducing the People's Rights Amendment to overturn Citizens United and declare, once and for all, that corporations are not people.

The Constitution was never intended to give corporations the same rights as the American people. Corporations don't breathe; they don't have kids; they don't die in wars.

The Preamble to the Constitution is ''We the people,'' not ''We the corporations.''

Let us hope this Congress doesn't forget that.

LAWSUIT ABUSE REDUCTION ACT OF 2017

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 720.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 180 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. 720.

The Chair appoints the gentleman from West Virginia (Mr. JENKINS) to preside over the Committee of the Whole.

□ 0915

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. 720) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, with Mr. JENKINS of West Virginia 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.

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

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

H.R. 720, the Lawsuit Abuse Reduction Act, would restore mandatory sanctions for frivolous lawsuits filed in Federal court.

Many Americans may not realize it, but today, under what is called rule 11 of the Federal Rules of Civil Procedure, there is no requirement that those who file frivolous lawsuits pay for the unjustified legal costs they impose on their victims, even when those victims prove to a judge the lawsuit was without any basis in law or fact.

As a result, the current rule 11 goes largely unenforced because the victims of frivolous lawsuits have little incentive to pursue additional litigation to have the case declared frivolous when there is no guarantee of compensation at the end of the day.

H.R. 720 would finally provide light at the end of the tunnel for the victims of frivolous lawsuits by requiring sanctions against the filers of frivolous lawsuits, sanctions which include paying back victims for the full cost of their reasonable expenses incurred as a direct result of the rule 11 violation, including attorneys' fees.

The bill also strikes the current provisions in rule 11 that allow lawyers to avoid sanctions for making frivolous claims and demands by simply withdrawing them within 21 days. This change eliminates the ''free pass'' lawyers now have to file frivolous lawsuits in Federal court.

The current lack of mandatory sanctions leads to the regular filing of lawsuits that are baseless. So many frivolous pleadings currently go under the radar because the lack of mandatory sanctions for frivolous filings forces victims of frivolous lawsuits to roll over and settle the case, because doing that is less expensive than litigating the case to a victory in court.

Correspondence written by someone filing a frivolous lawsuit, which became public, concisely illustrates how the current lack of mandatory sanctions for filing frivolous lawsuits leads to legal extortion. That correspondence to the victim of a frivolous lawsuit states: ''I really don't care what the law allows you to do. It's a more practical issue. Do you want to send your attorney a check every month indefinitely as I continue to pursue this?''

Under the Lawsuit Abuse Reduction Act, those who file frivolous lawsuits would no longer be able to get off scot-free and, therefore, they couldn't get away with those sorts of extortionary threats any longer.

The victims of lawsuit abuse are not just those who are actually sued. Rather, we all suffer under a system in which innocent Americans everywhere live under the constant fear of a potentially bankrupting frivolous lawsuit.

As the former chairman of The Home Depot company has written: ''An unpredictable legal system casts a shadow over every plan and investment. It is devastating for startups. The cost of even one ill-timed abusive lawsuit can bankrupt a growing company and cost hundreds of thousands of jobs.''

The prevalence of frivolous lawsuits in America is reflected in the absurd warning labels companies must place on their products to limit their exposure to frivolous claims. A 5-inch brass fishing lure with three hooks is labeled ''Harmful if swallowed.'' A household iron contains the warning ''Never iron clothes while they are being worn.'' A piece of ovenware warns, ''Ovenware will get hot when used in oven.''

And here are just a couple of examples of frivolous lawsuits brought in Federal court, where judges failed to award compensation to the victims:

A man sued a television network for $2.5 million because he said a show it aired raised his blood pressure. When the network publicized his frivolous lawsuit, he demanded the court make them stop. Although the court found the case frivolous, not only did it not compensate the victim, it granted the man who filed the frivolous lawsuit an exemption from even paying the ordinary court filing fees.

In another case, lawyers filed a case against a parent, claiming the parent's discipline of their child violated the Eighth Amendment of the Constitution, which prohibits cruel and unusual punishment by the government, not private citizens. One of the lawyers even admitted signing the complaint without reading it.

The court found the case frivolous, but awarded the victim only about a quarter of its legal costs because rule 11 currently doesn't require that a victim's legal costs be paid in full. The Lawsuit Abuse Reduction Act would change that.

I thank the former chairman of the Judiciary Committee, LAMAR SMITH, for introducing this simple, commonsense legislation that would do so much to prevent lawsuit abuse and restore Americans' confidence in the legal system. I urge my colleagues to support it today.

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

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

I rise in strong opposition to H.R. 720, the so-called Lawsuit Abuse Reduction Act.

This bill amends rule 11 of the Federal Rules of Civil Procedure in ways that will chill the advancement of civil rights claims and increase exponentially the volume and costs of litigation in the Federal courts.

These concerns are not hypothetical. H.R. 720 restores the deeply flawed version of rule 11 in effect from 1983 to 1993 in two ways: by requiring mandatory sanctions for even unintentional violations rather than leaving the imposition of sanctions to the court's discretion, as is currently the case; and secondly, by eliminating the current rule's 21-day safe harbor provision, which allows the defending party to correct or withdraw allegedly offending submissions.

Simply put, H.R. 720 will have a disastrous impact on the administration of justice in numerous ways. To begin with, the bill will chill legitimate civil rights litigation, which, to me, of course, is very important.

Civil rights cases often raise novel legal arguments, which made such cases particularly susceptible to sanction motions under the 1983 rule. For example, a Federal Judicial Center study found that the incidence of rule 11 motions under the 1983 rule was ''higher in civil rights cases than in some other types of cases.''

Another study showed that, while civil rights cases comprised about 11 percent of the cases filed, more than 22 percent of the cases in which sanctions had been imposed were, in fact, civil rights cases.

Under the 1983 rule, civil rights cases were clearly disadvantaged. Yet, H.R. 720 would reserve this problematic regime.

Although the bill's rule of construction is a welcome acknowledgment of the problem, it does nothing to prevent defendants from using rule 11 as a weapon to discourage civil rights plaintiffs. Even a landmark case like Brown v. Board of Education might not have been pursued had H.R. 720's changes to rule 11 been in effect at that time, because the legal arguments in the case were novel and not based on then-existing law.

In addition, H.R. 720 will substantially increase the amount, cost, and intensity of civil litigation and create more grounds for unnecessary delay and harassment in the courtroom itself.

By making sanctions mandatory and having no safe harbor, the 1983 rule spawned a cottage industry of rule 11 litigation. Each party had a financial incentive to tie up the other in rule 11 proceedings.

We heard testimony on a previous version of this bill that almost one-third of all Federal lawsuits during the decade that the 1983 rule was in effect were burdened by such satellite litigation, where the parties tried the underlying case and then put each side's counsel on trial.

Finally, H.R. 720 strips the judiciary of its discretion and independence. H.R. 720 overrides judicial independence by removing the discretion that rule 11 currently gives judges in determining whether to impose sanctions and what type of sanctions would be most appropriate. It also circumvents the painstakingly thorough Rules Enabling Act process that Congress established more than 80 years ago.

For all of these reasons, I urge my colleagues to join us in opposing this highly problematic legislation.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Lawsuit Abuse Reduction Act, known as LARA, is just over one-page long, but it would prevent the filing of thousands of frivolous lawsuits in Federal courts. These absurd lawsuits cost many innocent families their savings and often ruin their reputations.

Frivolous lawsuits have been filed against a weather channel for failing to accurately predict storms, against television shows people claimed were too scary, against a university that awarded a low grade, and against a high school that dropped a member from the track team.

Lawyers who bring these cases have everything to gain and nothing to lose under current rules, which allow plaintiffs' lawyers to file frivolous suits without any penalty. Meanwhile, defendants are often faced with years of litigation and substantial attorneys' fees.

Prior to 1993, it was mandatory for judges to impose sanctions, such as orders to pay for the other side's legal expenses, when lawyers filed frivolous lawsuits. Then, the Civil Rules Advisory Committee, an obscure branch of the courts, made penalties optional. This needs to be reversed by Congress.

LARA requires lawyers who file frivolous lawsuits to pay attorneys' fees and court costs of innocent defendants. This will serve as a disincentive to file junk lawsuits.

Further, LARA specifically requires that no changes ''shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.''

So civil rights law would not be affected in any way by LARA, and that might go a long way to reassuring the ranking member's concerns about its impact on civil rights.

Opponents argue that reinstating mandatory sanctions for frivolous lawsuits impedes judicial discretion, but this is false. Under LARA, judges retain the discretion to determine whether or not a claim is frivolous. If a judge determines that a claim is frivolous, then they must award sanctions. This ensures that victims of frivolous lawsuits obtain compensation. But the decision to determine whether a claim is frivolous or not remains with the judge.

The American people are looking for solutions to obvious lawsuit abuse. LARA restores accountability to our legal system by reinstating sanctions for attorneys who are found by a judge to have filed frivolous lawsuits. Though it will not stop all lawsuit abuse, LARA encourages attorneys to think twice before making an innocent party's life miserable.

□ 0930

These attorneys engage in legalized extortion and try to force individuals to settle out of court instead of paying huge legal costs. There is currently no disincentive to deter attorneys from filing frivolous claims. By requiring attorneys who file junk lawsuits to pay the court costs of those they sue, such lawsuits will be discouraged.

I thank Chairman GOODLATTE, the chairman of the Committee on the Judiciary, for bringing this much-needed legislation to the House floor. I ask my colleagues who oppose frivolous lawsuits and who want to protect innocent Americans from false charges to support the Lawsuit Abuse Reduction Act.

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

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER),

the senior member of the House Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, I rise in opposition to H.R. 720, the Lawsuit Abuse Reduction Act. This bill is supposedly aimed at preventing frivolous litigation, but it would, in fact, generate a whole new set of litigation, further clogging our overburdened Federal courts.

Under rule 11 of the Federal Rules of Civil Procedure, a court may impose sanctions on a party that files a frivolous case or motion. A party subject to a rule 11 violation has a 21-day safe harbor period to withdraw or correct its filing, and sanctions are purely discretionary. This rule serves a vital role in maintaining the integrity of our legal system without creating a chilling effect on presenting novel claims. Judges, when they see frivolous suits, can sanction them and do.

This bill, however, would restore a failed version of rule 11 that was enacted by the Judicial Conference in 1983, but which was repealed 10 years later because it led to disastrous results. Under this bill, sanctions would be mandatory whenever a court rules that rule 11 has been violated. The safe harbor period, when filings can be withdrawn or corrected, would be eliminated.

We do not have to speculate about what would happen as a result of this bill because we have a decade of experience that shows us how catastrophic it would be and was. Under the 1983 rule, which this bill would restore, rule 11 battles became a routine part of civil litigation, affecting one-third of all cases. Rather than serving as a disincentive, the old rule 11 actually made the system even more litigious.

In the decade following the 1983 amendments, there were almost 7,000 reported rule 11 cases, becoming part of approximately one-third of all Federal civil lawsuits. Civil cases effectively became two cases, one on the merits and the other on a set of dueling rule 11 allegations by both parties. The drain on the courts and the parties' resources caused the Judicial Conference to revisit the rule and adopt the changes that this bill would now have us undo.

More troubling was the 1983 rule's impact on civil rights cases, which are often based on novel claims that require significant discovery to establish. A 1991 Federal Judicial Center study found that whereas civil rights cases made up 11.4 percent of Federal cases filed, they constituted 22.7 percent of the cases in which sanctions were imposed. If we return to the old rule, we could see a chilling effect in which untested, but no less valid, civil rights claims are never brought for fear of sanctions.

The courts have ample authority to sanction conduct that undermines the integrity of our legal system. But this legislation is not just a solution in search of a problem. By taking us back to a time when rule 11 actually promoted routine, costly, and unnecessary litigation, this bill is a cure worse than the disease.

Given that we already know this bill will be a failure, one wonders how it would survive its own rule 11 motion if Congress had such a thing. The courts, having tried it for 10 years with disastrous results, rightly rejected this approach 20 years ago, and we should reject it again. I urge a ''no'' vote.

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), a senior member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I rise in strong support of the Lawsuit Abuse Reduction Act. I want to commend my colleague from Texas (Mr. SMITH) for his leadership on this important bill. Mr. SMITH, of course, who is now the chairman of the Committee on Science, Space, and Technology, was, for a number of years, the chairman of the Committee on the Judiciary, and he has a long reputation, much experience in trying to find ways to make the legal system work better for more people all across the country, and this is part of that, because there is a huge cost associated with the abusive lawsuits that have been filed for many years in this country.

Businesses are a popular target for frivolous lawsuits that lack any legal or factual basis. These lawsuits can easily result in hundreds of thousands of dollars in legal fees and discovery costs. Small businesses oftentimes don't have the financial resources to obtain a dismissal or sometimes even good legal counsel, and, therefore, their only option, in many cases, is to settle the case. In fact, many businesses and other entities put aside—insurance companies do this as well—a nuisance value of many of these cases because they realize so many cases are basically filed for not really legitimate reasons, but because there is a cash payout at the end of this, and some who are able to will actually put that in their budget. But these expenses don't just cost small businesses time and productivity. Too often they force small businesses into bankruptcy, and that means real people lose their jobs. This happens thousands and thousands and thousands of times all across this country.

Mr. Chairman, as chairman of the House Committee on Small Business, I cannot emphasize enough that we absolutely cannot afford to lose any more small businesses in this country and the associated jobs that go with them.

By ensuring that there are penalties for lawyers filing frivolous lawsuits, H.R. 720 will deter abusive litigation practices that pose a real threat to the stability of many small businesses all across this country. After all, small businesses are the backbone of the economy. About 70 percent of the new jobs created in the American economy nowadays are created by small-business folks, so we should do everything we can to make sure that they are successful and able to hire more and more Americans so that we can get this economy moving again.

I urge my colleagues to support H.R. 720. I again thank Mr. SMITH for putting forth this very wise and thoughtful legislation which I think will go a long way toward improving the legal system that we have in this country.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank the ranking member of the Committee on the Judiciary for his distinguished service and my good friend from Texas for his managing of this bill on which we have a vigorous and active disagreement, but realize that the role of the Committee on the Judiciary is to enhance justice for all Americans, no matter what size business, what ethnicity, racial background, what issue they bring, whether they bring a commercial issue or whether they are for criminal justice.

That is why I rise to oppose this legislation, for it is important that we monitor, promote, coddle, and respect justice. I oppose the legislation that aims to restore a long-discredited version of Federal Rule of Civil Procedure 11, in effect from 1983 to 1993. I use as a premise of my argument a letter from the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, in particular written by two distinguished Federal judges from Arizona, the chair of the Committee on Rules and the chair of the Advisory Committee on Rules, both Federal district court judges. But more importantly, my luck was to meet with a series of judges in the past week, Federal judges, Republican appointees and some Democratic appointees, and there was a vocal outcry of the outrage of this legislation, asking and begging that this legislation not be put in place.

Let me give you a description from the Federal courts, recognizing: ''We of course share the desire of the sponsors of LARA to improve the civil justice system''—and that is the Lawsuit Abuse Reduction Act—''in our Federal courts, including the desire to reduce frivolous filings. But LARA creates a cure worse than the problem it is meant to solve.''

''Moreover, as we are both Federal trial judges, our perspective is informed by our ongoing daily experience with the practical operation of the rules.''

I, too, am concerned about small businesses. That is why we need to proceed as we are proceeding. It gives thoughtful judges the ability to protect those entities. The facts do not, according to the letter, support any assumption that mandatory sanctions deter frivolous filings.

''A decade of experience with the 1983 mandatory sanctions provision,'' they go on to say, ''demonstrated that it failed to provide meaningful relief from

the litigation behavior it was meant to address, and instead generated wasteful satellite litigation that had little to do with the merits of cases.''

What good is that for the small litigant? What good will they have when they might be subject to satellite litigation? And so, Mr. Chairman, why would we want to return to the failed, discredited sanction regime rightly abandoned in 1993? H.R. 720 would require courts to impose monetary sanctions for any rule 11 violation, eliminating the safe harbor provision that currently allows attorneys to correct or withdraw a filing before rule 11 proceedings commence. That is justice: I made a mistake, I want to withdraw it. I am suing a small business, I have a different perspective. I know the facts, let me withdraw it.

The cost-shifting provision was eliminated by the courts because it encouraged satellite litigation, and many cases required parallel proceedings. Here is the worst of it: Suppose we were back in 1954. Would Brown v. Board of Education be a frivolous lawsuit subject to sanctions, a landmark decision of the United States Supreme Court that declared State laws establishing separate public schools for Black and White students unconstitutional? What about Griswold in 1965? It would also be judged as a frivolous lawsuit.

The CHAIR. The time of the gentlewoman has expired.

Mr. CONYERS. Mr. Chairman, I yield an additional 1 minute to the gentlewoman.

Ms. JACKSON LEE. Mr. Chairman, Griswold was a landmark case in which the Supreme Court ruled that we had a right to privacy. Or what about the famous case that was made into a movie, Loving v. Virginia? I think for almost 25 years this mixed-marriage couple could not live in their own State. A lawsuit would have been considered frivolous. Loving was a landmark case which decided Virginia's antimiscegenation statute was unconstitutional.

New York Times Co. v. United States in 1971, the question was on the constitutional freedom of the press. It reinforced the First Amendment.

Mr. Chairman, it is impossible to go back to the old days. I ask my colleagues to support the Jackson Lee amendment, to come up and to oppose the underlying bill in the name of justice for all.

Mr. Chairman, I include in the RECORD a list of seven notable cases the Lawsuit Abuse Reduction Act may have barred from a courtroom.

SEVEN NOTABLE CASES THE ''LAWSUIT ABUSE REDUCTION ACT'' MAY HAVE BARRED FROM A COURTROOM

Contrary to proponents' claims, LARA does not deter frivolous lawsuits. Rather it deters meritorious cases by imposing a one-size-fits-all mandate for federal judges. Mandatory sanctions inevitably chill meritorious claims particularly in cases of first impression or involving new legal theories, including cases to protect civil rights, the right to privacy, the environment, collective bargaining and the First Amendment. Our system of justice is a moving body of law, and novel legal theories have the ability to shift public policy and law.

Below are seven notable cases that LARA may have prevented because the cases presented what—at the time they were presented to the court—would have been considered novel legal theories:

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954): Brown was a landmark decision of the United States Supreme Court that declared state laws establishing separate public schools for black and white students unconstitutional. The decision overturned the Plessy v. Ferguson decision of 1896 which allowed state-sponsored segregation. The Court's unanimous decision stated that ''separate educational facilities are inherently unequal.'' As a result, de jure racial segregation was ruled a violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. This ruling paved the way for integration and the civil rights movement.

Griswold v. Connecticut, 381 U.S. 479 (1965): Griswold was a landmark case in which the Supreme Court ruled that the Constitution protected a right to privacy. The case involved a Connecticut law that prohibited the use of contraceptives. By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the ''right to marital privacy.''

Lawrence v. Texas, 539 U.S. 558 (2003): In Lawrence, the Supreme Court considered the issue of whether adult consensual sexual activity is protected by the Fourteenth Amendment guarantee of equal protection under the law. The Court found that the petitioners were free as adults to engage in the private conduct in the exercise of their liberty under the Due Process Clause. The decision decriminalized the Texas law that made it illegal for two persons of the same sex to engage in certain intimate sexual conduct.

Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007): In this case, twelve states and several cities of the United States brought suit against the United States Environmental Protection Agency (EPA) to force the federal agency to regulate carbon dioxide and other greenhouse gases as pollutants. The Supreme Court found that Massachusetts, due to its ''stake in protecting its quasi-sovereign interests'' as a state, had standing to sue the EPA over potential damage caused to its territory by global warming. The Court rejected the EPA's argument that the Clean Air Act was not meant to refer to carbon emissions in the section giving the EPA authority to regulate ''air pollution agent[s].''

Loving v. Virginia, 388 U.S. 1 (1967): Loving was a landmark civil rights case in which the United States Supreme Court, by a 9–0 vote, declared Virginia's anti-miscegenation statute, the ''Racial Integrity Act of 1924,'' unconstitutional, thereby ending all race-based legal restrictions on marriage in the United States.

New York Times Co. v. United States, 403 U.S. 713 (1971): This case considered whether the New York Times and Washington Post newspapers could publish the then-classified Pentagon Papers without risk of government censure. The question before the Court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment protected the right of the New York Times to print the materials.

Tennessee Valley Authority v. Hill, 437 U.S. 153 (1978) (The Snail Darter Case): In TVA, the Supreme Court affirmed a court of appeals' judgment, which agreed with the Secretary of Interior that operation of the federal Tellico Dam would eradicate an endangered species. The Court held that a prima facie violation of §7 of the Endangered Species Act, 16 U.S.C. §1536, occurred, and ruled that an injunction requested by respondents should have been issued.

Mr. Chair, I rise in strong opposition to H.R. 720, the ''Lawsuit Abuse Reduction Act of 2017,'' because it is both unnecessary and counterproductive.

I oppose this legislation that aims to restore a long-discredited version of Federal Rule of Civil Procedure 11, in effect from 1983 to 1993.

The current Rule 11 allows federal courts, in their discretion, to impose sanctions for frivolous filings and it encourages litigants to resolve such issues without court intervention.

As written, H.R. 720 would change the sanctions for a violation of Federal Rules of Civil Procedure 11 to a cost-shifting sanction payable to the opposing party, an antiquated version of the Rule in effect from 1983 until 1993.

Why, Mr. Chair would we return to the failed and discredited sanction regime rightly abandoned in 1993?

H.R. 720 would require courts to impose monetary sanctions for any Rule 11 violation, eliminating the safe harbor provision that currently allows attorneys to correct or withdraw a filing before Rule 11 proceedings commence.

That cost-shifting provision was eliminated by the courts because it encouraged satellite litigation; many cases required parallel proceedings—one on the merits of the lawsuit and one on the Rule 11 motion.

The 1983 rule had a particularly negative disproportionate impact on plaintiffs, especially plaintiffs in civil rights cases, because plaintiffs in such cases often raise novel legal arguments, leaving them vulnerable to a Rule 11 motion by a defendant.

Reinstating this mandatory fee shifting rule, as H.R. 720 does, will again have a chilling effect on plaintiffs' claims, especially individual plaintiffs taking on large corporate interests.

Sanctions were more often imposed against plaintiffs than defendants and more often imposed against plaintiffs in certain kinds of cases, primarily in civil rights and certain kinds of discrimination cases.

A leading study on this issue showed that although civil rights cases made up 11.4% of federal cases filed, 22.7% of the cases in which sanctions had been imposed were civil rights cases.

The imposition of mandatory fees and costs ultimately shifts the purpose of the Rule from deterrence to compensation, encouraging parties to always file Rule 11 motions in the hopes of gaining additional compensation.

Both the Judicial Conference of the United States and the U.S. Supreme Court support preservation of the current version of Rule 11(c) and restoring the true balance between punishing unwarranted conduct and deterring unnecessary litigation.

Given the highly problematic experience under the 1983 rule, which sparked extensive and costly litigation, the rule burdened already strained federal court system, adversely affecting cases of all types, including civil litigation among businesses.

Congress should be looking for ways to decrease, not increase wasteful burdens on

courts, and should avoid rule changes that have a discriminatory impact on civil rights, employment, environmental, and consumer cases.

For these reasons and more, I oppose this bill.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Judicial Conference, by its own admission, objects to any amendments to the Federal rules it doesn't propose itself, but Congress has the constitutional authority and responsibility to establish and amend the Federal rules. It also has the duty to address problems with the judicial system that fall within its enumerated powers. Reducing frivolous lawsuits and ensuring that those who face meritless filings are able to receive compensation for losses caused by frivolous claims is a significant improvement to our justice system.

Also, Mr. Chairman, I would ask my colleagues, does a bill that grants the victims of corporate fraud the right to damages create satellite litigation? Of course it doesn't. What it does is create a means of guaranteed compensation for a wrong suffered. This bill does just that. It creates a means of guaranteed compensation for a wrong suffered; namely, the wrong of a frivolous lawsuit.

It is the job of judges to apply the law. It is the job of Members of Congress to write the law. We are the people's representatives, and all of us have constituents who have been the victims of frivolous lawsuits. We are responsible for the lack of any redress today for the victims of frivolous lawsuits, and we aim to remedy that today by passing this bill on behalf of the constituents who sent us here. If you deny that the victims of frivolous lawsuits are real victims, then vote against this bill, but if you think the victims of frivolous lawsuits should be entitled to compensation, just like anyone else who proves their legal claims in court, you should support this bill.

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

□ 0945

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield 4 minutes to the gentleman from Georgia (Mr. JOHNSON).

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

Mr. Chairman, I rise in opposition to H.R. 720, the Lawsuit Abuse Reduction Act of 2017—which is misnamed, just as all of the other bills that we have considered this week that are trying to crush the ability of plaintiffs, people who have been injured, due to the negligence or intentional acts of others—legislation designed to keep plaintiffs out of court and protect wrongdoing corporations.

This bill is misnamed the Lawsuit Abuse Reduction Act. I would propose that we take out the word ''abuse'' and just leave it as it really is, which is the Lawsuit Reduction Act of 2017. That is what this legislation is designed to do, is to stop litigation in its tracks.

We have been debating the merits of a bill that the Judicial Conference itself does not find useful, especially considering the fact that they have already been through so-called lawsuit abuse reduction reform in the past. The Judicial Conference, of course, is the group of judges that helps to formulate policy for the judiciary, and they are the ones who know. We should consult with them. Of course, we have, as the legislative branch, the ability to legislate in those areas; but it doesn't make much sense for us to override or to ignore the views of the Judicial Conference when it comes to their own business.

That is what this legislation does. It doesn't lend itself to the support of the Judicial Conference, which is important, especially since they have already been through lawsuit abuse reduction reform efforts that were put into place by this body, the same ones that we are considering today. They didn't work then; they don't work today.

H.R. 720 ignores the discretion of well-versed judges to impose sanctions against attorneys engaging in unnecessary litigation. Because there have been critiques that the pleading standards in rule 8 of the Federal Rules of Civil Procedure give parties a license to bring a multiplicity of frivolous lawsuits, rule 11 is meant to act like a check.

Under rule 11, judges can sanction attorneys when they deem it is appropriate to curb unmeritorious lawsuits, and they use it. There is no question about that. Parties are being sanctioned every day under rule 11.

H.R. 720 now requires that judges impose mandatory sanctions with monetary compensation and deprive litigants of the opportunity to cure a defective lawsuit. The problem with this approach is that it makes the cost of litigation skyrocket as litigants are required to pay for attorneys' fees and other filing fees.

In addition, it creates a vicious cycle of litigation where parties engage in many trials over penalties to be paid as a result of rule 11 sanction motions rather than getting to the actual merits of the case. This approach was tried 20 years ago. It didn't work then, and there is no compelling reason to think that it is going to work today.

I ask my colleagues to oppose H.R. 720, just as I ask them to oppose these other attacks on the ability of plaintiffs to bring cases in court against wrongdoing corporate defendants, many of them multinationals.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a few minutes ago, a judicial poll was mentioned. But I would point out to all of my colleagues that only one survey was done that consisted mostly of judges who had experience under both the stronger rule with mandatory sanctions. That poll showed overwhelming support for mandatory sanctions. When judges who had experience under both the stronger and weaker versions of rule 11 were polled, they overwhelmingly supported mandatory sanctions for frivolous lawsuits.

The survey of 751 Federal judges found that an overwhelming majority of Federal judges believed, based on their experience under both a weaker and stronger rule 11, that a stronger rule 11 did not impede development of the law: 95 percent; the benefits of the rule outweighed any additional requirement of judicial time: 72 percent; the stronger version of rule 11 had a positive effect on litigation in the Federal courts: 81 percent; and the rule should be retained in its then current form: 80 percent. Incredible.

A 2005 survey was also mentioned. In that survey, only 278 judges responded, as opposed to the 751 who responded to the survey done in 1990. Over half of the judges who responded to the 2005 survey had no experience under the stronger rule 11 because they were appointed to the bench after 1992. So that 2005 survey tells us very little about how judges comparatively view the stronger versus the weaker rule 11.

I would also point out that in the 1990 survey, roughly twice as many responded as in the 2005 survey.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume. These constitute my closing observations on this measure.

Mr. Chairman, H.R. 720 would turn back the clock to a time when rule 11 discouraged civil rights cases, restricted judicial discretion, and engendered vast amounts of time-consuming and costly so-called satellite litigation.

Not surprisingly, the Judicial Conference of the United States, the principal policymaking body for the judicial branch charged with proposing amendments to the Federal Rules of Civil Procedure under the careful, deliberate process specified in the Rules Enabling Act, opposes this measure, noting that it creates a cure worse than the problem it is meant to solve.

Likewise, the American Bar Association opposes this legislation, as do numerous consumer and environmental groups, including: Public Citizen, the Alliance for Justice, the Center for Justice and Democracy, the Consumer Federation of America, Consumers Union, Earthjustice, the National Association of Consumer Advocates, and six other major organizations.

Finally, last Congress, the Obama administration, strongly opposed a substantively identical measure, noting that the bill was ''both unnecessary and counterproductive,'' and that it ''actually increases litigation.''

Accordingly, I urge my colleagues in this body to reject this flawed bill.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me first point out that this bill is being key voted by the United States Chamber of Commerce. It has been endorsed by the National Federation of Independent Business, and also endorsed by the Physicians Insurance Association of America.

Mr. Chairman, let me remind Members what the base bill—which is just a page long—actually does. It makes it mandatory for the victims of frivolous lawsuits filed in Federal Court to be compensated for the harm done to them by the filers of frivolous lawsuits. The bill doesn't change the existing standards for determining what is or is not a frivolous lawsuit. So under the bill, mandatory sanctions would only be awarded to victims of frivolous lawsuits when those lawsuits have no basis in law or fact.

The victims of frivolous lawsuits are real victims. They have to shell out thousands of dollars, endure sleepless nights, and spend time away from their family, work, and customers, just to respond to frivolous pleadings. Few would ever claim that judges should have the discretion to deny damage awards to victims of legal wrongs proved in court.

So why should judges have the discretion to deny damage awards to victims of frivolous lawsuits who prove in court that the case brought against them was, indeed, frivolous?

A vote against LARA, including a vote for the motion to recommit, is a denial of the fact that victims of frivolous lawsuits are real victims. But they are real victims, and they deserve to be guaranteed compensation when they prove in court that the claims against them are frivolous. This bill would do just that, and for these reasons, I urge my colleagues to support it.

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

The Acting CHAIR (Mr. HULTGREN). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The bill shall be considered as read.

The text of the bill is as follows:

H.R. 720

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lawsuit Abuse Reduction Act of 2017''.

SEC. 2. ATTORNEY ACCOUNTABILITY.

(a) SANCTIONS UNDER RULE 11.—Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall'';

(2) in paragraph (2), by striking ''Rule 5'' and all that follows through ''motion.'' and inserting ''Rule 5.''; and

(3) in paragraph (4), by striking ''situated'' and all that follows through the end of the paragraph and inserting ''situated, and to compensate the parties that were injured by such conduct. Subject to the limitations in paragraph (5), the sanction shall consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the violation, including reasonable attorneys' fees and costs. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, or other directives of a non-monetary nature, or, if warranted for effective deterrence, an order directing payment of a penalty into the court.''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or an amendment made by this Act shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in part A of House Report 115–29. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. SOTO

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115–29.

Mr. SOTO: Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, strike line 11 and all that follows through line 13, and insert the following:

(2) in paragraph (2)—

(A) by inserting after ''be presented to the court if'' the following: ''discovery has not been completed and if'' ; and

(B) by striking ''within 21 days'' and inserting ''within 14 days''; and

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Florida (Mr. SOTO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. SOTO. Mr. Chairman, my amendment would reinstate the Federal Rules of Civil Procedure rule 11(c)(2) safe harbor provision, which allows parties to avoid penalties, by withdrawing or correcting the claims within 14 days from when the alleged violation of rule 11(b) becomes known, anytime up until the end of the discovery period.

This bill would force attorneys to assess their case blindly as it stands. Every attorney knows to assess their case based upon an objective set of facts regarding the situation.

A good attorney would never overpromise a cause of action, but this bill prevents even a fair assessment of a case. A full and accurate analysis of the merits of the case must be done on day one, because this bill requires mandatory sanctions with no grace period. We have tried this already, and it did not work.

This bill will eliminate rule 11(c)(2)'s safe harbor provision, which currently allows the target of a rule 11 motion for sanctions to withdraw or correct the paper claim, defense, contention, or denial that is the subject of the motion for sanctions within 21 days after service.

Between 1938 and 1983, there were only 19 rule 11 filings. In 1983, rule 11 was changed to the standard being proposed by this bill. In the 10 years without this safe harbor provision, nearly 7,000 motions for sanctions were made. A 1989 study showed that roughly one-third of all Federal civil lawsuits involved rule 11 satellite litigation, and approximately one-fourth of all those cases on the docket involved rule 11 actions that did not result in sanctions. Thus, attorneys had a dual job: one to try the case, and the other to try the opposing counsel.

We can't go back to a failed system. The amount of sanction litigation that clogged the system was so extensive that in 1993, a mere 10 years after this failed legal experiment began, a safe harbor provision was established to unclog the system, and it worked. Since then, the amount of rule 11 sanction satellite litigation has come down, and the courts are now better able to focus on the case at hand.

In committee, Mr. CICILLINE of Rhode Island, recommended the re-implementation of the 21-day safe harbor provision.

□ 1000

Instead of following this commonsense proposal, the committee rejected it by an 18–4 vote. I believe such an important provision needs to be revisited, but with a compromise. That is why I drafted this amendment that offers a 14-day safe harbor provision; and as a measure to protect further abuse, my safe harbor amendment is only available prior to the completion of discovery, yet another attempt to have a compromise here.

The intent for this discovery provision is that an attorney, during discovery, may realize a flaw in their case. Such a revelation should allow an attorney to correct or withdraw their claim without having the fear of having mandatory automatic sanctions imposed on them. Instead, this bill, as written, immediately places sanctions on the mistaken lawyer. This is well-intentioned, but it does not acknowledge the realities of litigation or the legal process.

In the real world, clients can easily misrepresent a situation to their counsel, and the truth won't be known until discovery. This bill will have a stifling effect on the legal community and will lead to denied justice because attorneys will not be willing to take a case unless it is a guaranteed win.

We should take the lessons learned from the 1983 experiment and preserve the safe harbor provision to protect well-intended plaintiffs' attorneys and not stack the deck against those who seek justice.

Mr. Chair, I urge support for my amendment, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I oppose this amendment which allows lawyers who file frivolous claims to escape any sanction.

It is essential that LARA reverse the 1993 amendments to rule 11. The current rule allows those who file frivolous lawsuits to avoid sanctions by withdrawing claims within 21 days after a motion for sanctions has been filed. This loophole, which LARA closes, gives unscrupulous lawyers an unlimited number of free passes to file frivolous pleadings with impunity.

Justice Scalia correctly predicted that such amendments would, in fact, encourage frivolous lawsuits. Opposing the 1993 amendments in which the 21-day rule was instated, Justice Scalia wrote:

> In my view, those who file frivolous suits in pleadings should have no safe harbor. The rules should be solicitous of the abused and not of the abuser. Under the revised rule, parties will be able to file thoughtless, reckless, and harassing pleadings, secure in the knowledge that they have nothing to lose: if objection is raised, they can retreat without penalty.

LARA would eliminate the free pass lawyers use to file frivolous lawsuits. This amendment would eliminate that free pass that is so costly to innocent Americans.

Mr. Chairman, I oppose the amendment, and I yield back the balance of my time.

Mr. SOTO. Mr. Chair, there is a sanction in place. You have to remove your claim or your assertion that is in question, and there is the cost of time that any attorney has to put in. But at the end of the day, we have already been down this road and it has failed. Now all we are going to see is more litigation again without the requisite increase in funding to our Federal courts.

And so what we are going to see is anybody who sued—whether you are a plaintiff suing or defendant—is going to now have far more complex, dual-track litigation, and that is going to increase costs on businesses and on individuals who are facing litigation in our Federal courts. I believe we need to keep the lessons learned from the past, and I urge Members to adopt my amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. SOTO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SOTO. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 115–29.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Page 3, beginning on line 19, strike ''shall consist of an order to pay'' and all that follows through ''reasonable expenses incurred'' on line 20, and insert ''may consist of an order to pay the reasonable expenses incurred by the party or parties''.

The Acting CHAIR. Pursuant to House Resolution 180, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, let me again emphasize our mutual commitment to justice and why I think the underlying bill skews justice and tips the scale of justice on Lady Justice.

I again refer you to the sitting experts, and that is the Judicial Conference of the United States, comprised of Federal judges all across America. I can't help but recite this sentence that strikes me as one as strong as possible to have been cited in a letter.

Their referral to LARA, the Lawsuit Abuse Reduction Act, in this one sentence, recognizing the concern about frivolous lawsuits or filings, they say:

> But LARA creates a curse worse than the problem it is meant to solve.

I think that that one sentence says it all. We are not here solving a problem. We are here creating a problem.

I am particularly struck by the comments regarding small businesses. My amendment improves H.R. 720 by preserving the current law and practice of courts awarding attorneys' fees when justice requires.

As written, H.R. 720 would change the sanctions for violation of Federal Rules of Civil Procedure 11 to a cost-shifting sanction, payable to the opposing party, an antiquated version of the rule in effect from 1983 until 1993. That cost-shifting provision was eliminated by the courts because it encouraged satellite litigation.

The Jackson Lee amendment would preserve the sanctions currently available under rule 11, which provide the correct balance in punishing unwarranted conduct—this is under the present status of rule 11—without encouraging unnecessary litigation.

Specifically, my amendment will strike a provision of the legislation that mandates the award of reasonable attorney fees and costs. Instead, it restores judicial discretion to award such fees and costs when warranted.

Take small business A, who is mad at big bank XYZ. They mishandled my account, and they filed a lawsuit. Unfortunately, the bookkeeper—not accountant—bookkeeper that the small business used really made the mistake, but the judge, recognizing the small business had good intentions, would not have to mandatorily force them to be sanctioned and to pay attorneys' fees but might then have discretion. That is how you help small business A.

I ask my colleagues to support the reasonable Jackson Lee amendment.

Mr. Chair, thank you for this opportunity to explain the Jackson Lee Amendment to H.R. 720.

My amendment improves H.R. 720 by preserving the current law and practice of courts awarding attorney fees when justice so requires.

As written, H.R. 720 would change the sanctions for a violation of Federal Rules of Civil Procedure (FRCP) 11 to a cost-shifting sanction payable to the opposing party, an antiquated version of the Rule in effect from 1983 until 1993.

That cost-shifting provision was eliminated by the courts because it encouraged satellite litigation.

The Jackson Lee Amendment would preserve the sanctions currently available under Rule 11, which provide the correct balance in punishing unwarranted conduct, without encouraging unnecessary litigation.

Specifically, my amendment will strike a provision of the legislation that mandates the award of reasonable attorneys' fees and costs, and instead restores judicial discretion to award such fees and costs when warranted.

The Jackson Lee Amendment preserves the balance found in the current version of Rule 11, which gives the court discretion to determine an appropriate sanction.

H.R. 720 seeks a return to the failed and discredited sanction regime rightly abandoned in 1993.

By eliminating the mandatory fee-shifting provision, the 1993 Rule discouraged satellite litigation and encouraged parties to move forward with the merits of the case.

Under the prior Rule 11, during the 1983–1993 time, mandatory fee-shifting was used to discourage plaintiffs from bringing meritorious claims using novel legal theories in civil rights and employment rights cases.

Reinstating this mandatory fee shifting rule, as H.R. 720 does, will again have a chilling effect on plaintiffs claims, especially individual plaintiffs taking on large corporate interests.

The Jackson Lee Amendment would preserve the current version of Rule 11(c) and restore the true balance between punishing unwarranted conduct and deterring unnecessary litigation.

The old rule disproportionately affected plaintiffs, especially plaintiffs in civil rights cases.

Sanctions were more often imposed against plaintiffs than defendants and more often imposed against plaintiffs in certain kinds of cases, primarily in civil rights and certain kinds of discrimination cases.

A leading study on this issue showed that although civil rights cases made up 11.4% of federal cases filed, 22.7% of the cases in which sanctions had been imposed were civil rights cases.

The imposition of mandatory fees and costs shifts the purpose of the Rule from deterrence to compensation, encouraging parties to always file Rule 11 motions in the hopes of gaining additional compensation.

For these reasons, I urge my colleagues to join me in supporting the Jackson Lee Amendment.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE JUDICIAL CONFERENCE OF THE UNITED STATES,

Washington, DC, April 13, 2015.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We write to present the views of the Judicial Conference Rules Committees on H.R. 758, the Lawsuit Abuse Reduction Act of 2015.

As the current chairs of the Judicial Conference's Committee on the Rules of Practice and Procedure (the ''Standing Committee'') and the Advisory Committee on the Federal Rules of Civil Procedure (the ''Advisory Committee''), we oppose H.R. 758, which seeks to reduce lawsuit abuse by amending Rule 11 of the Federal Rules of Civil Procedure. The bill would reinstate a mandatory sanctions provision of Rule 11 adopted in 1983 and removed as counterproductive in 1993. The bill would also eliminate a provision adopted in 1993 that allows a party to withdraw challenged pleadings. Our concerns mirror the views expressed by the Judicial Conference in 2004 and 2005, and by the Standing Committee and Advisory Committee in 2011 and 2013, in response to similar legislation, and reflect our ongoing daily experience with the practical operation of the rules.

We share the desire of the sponsors of H.R. 758 to improve the civil justice system in our federal courts, including the desire to reduce frivolous filings. But legislation that would restore the 1983 version of Rule 11 would create a cure worse than the problem it is meant to solve. Such legislation also contravenes the longstanding Judicial Conference policy opposing direct amendment of the federal rules by legislation rather than through the deliberative process Congress established in the Rules Enabling Act, 28 U.S.C. §§ 2071–2077.

A decade of experience with the 1983 mandatory sanctions provision demonstrated that it failed to provide meaningful relief from the litigation behavior it was meant to address, and instead generated wasteful satellite litigation that had little to do with the merits of cases. The 1983 version of Rule 11 required sanctions for every violation of the rule, and quickly became a tool of abuse. Aggressive filings of Rule 11 sanctions motions required expenditure of tremendous resources on Rule 11 battles having nothing to do with the merits of the case and everything to do with strategic gamesmanship. Many Rule 11 motions in turn triggered counter-motions seeking Rule 11 sanctions as a penalty for filing of the original Rule 11 motion.

The 1993 changes to Rule 11 followed years of examination and were made on the Judicial Conference's strong recommendation, with the Supreme Court's approval, and effective only following a period of congressional review. The 1993 amendments were designed to remedy the major problems with the rule, strike a fair balance between competing interests, and allow parties and courts to focus on the merits of the underlying cases. Since 1993, the rule has included a safe harbor, providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within that time, a court may impose sanctions, including assessing reasonable attorney fees. Under the 1993 amendments, sanctioning of discovery-related abuse remains available under Rules 26 and 37, which provide for sanctions that include awards of reasonable attorney fees.

Minimizing frivolous filings is vital. The current rules give judges tools to deal with frivolous pleadings, including the imposition of sanctions where warranted. Rule 12(b)(6) authorizes courts to dismiss pleadings that fail to state a claim. Section 1927 of Title 28 of the United States Code authorizes sanctions against lawyers for ''unreasonably and vexatiously'' multiplying the proceedings in any case. Other tools to address frivolous filings include 28 U.S.C. §1915(e), which requires courts to dismiss cases brought in forma pauperis that are frivolous, malicious, or fail to state a claim, and 28 U.S.C. §1915A, which requires courts to dismiss prisoner complaints against governmental entities, officers, or employees that are frivolous, malicious, or fail to state a claim.

Some may ask, why not give courts another tool to deter frivolous filings by reinstating the 1983 version of Rule 11? The answer is that the very process Congress established to consider rule proposals exposed the 1983 version of Rule 11 as superficially appealing, but replete with unintended consequences, chiefly an explosion of satellite litigation. Congress designed the Rules Enabling Act process in 1934, and reformed it in 1988, to produce the best rules possible through broad public participation and review by the bench, the bar, and the academy. The Enabling Act charges the judiciary with the task of neutral, independent, and thorough analysis of the rules and their operation. The Rules Committees undertake extensive study of the rules, including empirical research, so that they can propose rules that will best serve the American justice system while avoiding unintended consequences. Experience has shown that this process works well. Direct amendment of Rule 11 will not only circumvent the effective Rules Enabling Act process Congress implemented, but as the careful study of Rule 11 undertaken by the Rules Committees over many years demonstrates, direct amendment of Rule 11 as envisioned by H.R. 758 would work against the laudable purpose of improving the administration of justice.

Before proposing the 1993 amendments, the Advisory Committee reviewed several empirical studies of the 1983 version of Rule 11, including studies conducted by the Federal Judicial Center in 1985 and 1988, a Third Circuit Task Force report on Rule 11 in 1989, and a New York State Bar Committee report in 1987. In 1990, the Advisory Committee issued a call for general comments on the rule. The response was substantial and clearly called for a change. The Advisory Committee concluded that Rule 11's cost-shifting provision created an incentive for too many unnecessary Rule 11 motions. Amendments to Rule 11 were drafted by the Advisory Committee and approved by the Standing Committee and Judicial Conference. The Supreme Court approved the amendments and transmitted them to Congress in May 1993 after extensive scrutiny and debate by the bench, bar, and public in accordance with the Rules Enabling Act process.

The amended rule has produced a marked decline in Rule 11 satellite litigation without any noticeable increase in frivolous filings. In June 1995, the Federal Judicial Center conducted a survey of 1,130 lawyers and 148 judges on the effects of the 1993 amendments. The Center found general satisfaction with the amended rule, and that a majority of the responding judges and lawyers did not favor a return to mandatory sanctions when the rule is violated.

In 2005, the Federal Judicial Center surveyed federal trial judges to get a clearer picture of how the revised Rule 11 was operating. A copy of the study is enclosed. The study showed that judges on the front lines—those who must contend with frivolous litigation and apply Rule II—strongly believe that the current rule works well. The study's findings include the following highlights:

More than 80 percent of the 278 district judges surveyed indicated that ''Rule 11 is needed and it is just right as it now stands'';

87 percent prefer the existing Rule 11 to the 1983 version or the version proposed by legislation (e.g., H.R. 4571 (the Lawsuit Abuse Reduction Act of 2004) or H.R. 420 (the Lawsuit Abuse Reduction Act of 2005));

85 percent strongly or moderately support Rule 11's safe harbor provisions;

91 percent oppose the proposed requirement that sanctions be imposed for every Rule 11 violation;

84 percent disagree with the proposition that an award of attorney fees should be mandatory for every Rule 11 violation;

85 percent believe that the amount of groundless civil litigation has not grown since the promulgation of the 1993 rule (for judges commissioned before 1992) or since their first year as a federal district judge (for judges commissioned after January 1, 1992); and

72 percent believe that addressing sanctions for discovery abuse in Rules 26(g) and 37 is better than in Rule 11.

The findings of the Federal Judicial Center underscore the judiciary's united opposition to legislation amending Rule 11. Lawyers share this view. The American Bar Association has opposed H.R. 758. Indeed, of the 200 lawyers, litigants, judges, and academics who participated in the 2010 conference at Duke University Law School convened by the Advisory Committee to search for ways to address the problems of costs and delay in civil litigation, nobody proposed a return to the 1983 version of Rule 11.

Thank you for considering the views of the Standing Committee and Advisory Committee. We look forward to continuing to work with you to ensure that our civil justice system fulfills its vital role. If you or your staff have any questions, please contact Rebecca Womeldorf, Secretary to the Standing Committee.

Sincerely,

JEFFREY S. SUTTON,
United States Circuit Judge Sixth Circuit,Chair, Committee on Rules of Practice and Procedure.

DAVID G. CAMPBELL,
United States District Judge District of Arizona, Chair, Advisory Committee on Civil Rules.

Ms. JACKSON LEE. Mr. Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I oppose this amendment which would strike the provision for penalties for frivolous lawsuits and, thus, defeat the purpose of the bill.

Today, there is no guarantee that a victim of a frivolous lawsuit will be compensated, even when a court finds that the lawsuit is frivolous. This legislation gives the victims of frivolous lawsuits the ability to receive compensation from those who abuse the legal system. The underlying bill enables innocent Americans to protect

themselves and their families from absolutely absurd lawsuits, which can cost them their reputations and their livelihoods.

Mr. Chair, I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, reading again from the Judicial Conference letter, it says: The facts do not support any assumption that mandatory sanctions under H.R. 720—that is what the bill is about—deter frivolous filings. All it does, after a decade of experience, is that it demonstrates that it failed to provide meaningful relief from the litigation behavior it was supposed to address.

What it will do is it will punish the small business. By eliminating the mandatory fee-shifting provision, the 1993 rule discouraged satellite litigation. Reinstating this mandatory fee-shifting rule, as H.R. 720 does, will again have a chilling effect.

The Jackson Lee amendment would give the courts discretion to protect against the mom-and-pop business from having to pay because they mistakenly thought big bank XYZ did them in, and it really was a mistake on their part.

Sanctions are more often imposed against plaintiffs than defendants, more often imposed against plaintiffs in certain kind of cases, primarily civil rights and certain kinds of discrimination cases.

The Brown v. Board of Education of Topeka might have been perceived to be outrageous—how dare you try to strike down the separate but equal—and yet it has had an amazing impact and a case of moment in history.

Or the Loving v. Virginia, when two individuals who loved each other still were kept out of Virginia because they were of different races, it was absurd to file that lawsuit at that time. Yet, if they had not, or if these kinds of penalties were in place, they might be suffering mandatory sanctions and kept out of the courthouse.

A leading study on this issue showed that, although civil rights cases make up 11.4 percent, 22.7 percent of the cases in which sanctions have been imposed are civil rights cases.

Mr. Chair, I ask my colleagues to support the Jackson Lee amendment. In order to foster justice, support the Jackson Lee amendment, which restores to the courts judicial discretion on penalties and sanctions, if you will, and listen to the Judicial Conference: this is a curse worse than the problem.

Mr. Chair, I urge support of the Jackson Lee amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, let me just summarize this bill in one sentence, and that is that no reputable attorney is going to have any concerns with this legislation.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 115–29.

Mr. CONYERS. Mr. Chairman, I ask that my amendment be brought forward at this time.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 3. PROTECTING ACTIONS PERTAINING TO CONSTITUTIONAL CLAIMS OR CIVIL RIGHTS.

Nothing in this Act, or the amendments made by this Act, shall be construed to apply to actions alleging any violation of a right protected by the Constitution or any civil right protected by law.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am very concerned that H.R. 720 may have a serious, deleterious impact on the ability of individuals to protect their civil and constitutional rights in Federal court. This is a point that has been emphasized on this side ever since we have started examining, more carefully, H.R. 720. Accordingly, my amendment would simply exempt these types of cases from the bill.

Based on a decade of experience with the 1983 version of the Federal Rules of Civil Procedure, we know that the civil rights cases were, in fact, disproportionately impacted because they often raised novel arguments.

For example, a 1991 Federal Judicial Center study found that the incidence of rule 11 motions was ''higher in civil rights cases than in some other types of cases.'' Another study shows that, while civil rights cases comprised only 11 percent of the Federal cases filed, more than 22 percent of the cases in which sanctions had been imposed were, in fact, civil rights cases.

The bill contains a rule of construction intended to clarify that ''it not be construed to bar the assertion of new claims or defenses or remedies, including those arising under civil rights laws or the Constitution.''

The inclusion of this language is an acknowledgment of the disproportionate impact that the 1983 rule had on civil rights cases, and we should applaud—and I am sure we do—its intent.

Nevertheless, I fear this rule of construction, by itself, will not prevent defendants from using rule 11 as a weapon to dissuade civil rights plaintiffs from pursuing their claims.

□ 1015

My amendment makes an explicit exception for civil rights and constitutional actions. As a result, litigants will be clearly aware of its existence and will not be able to force opposing parties into satellite litigation when the case is brought under a civil rights law.

This amendment is necessary to avoid even the possibility of a chilling effect that the revisions made by the bill to rule 11 could have on those advocating for civil rights and constitutional law protections. As the late Robert Carter, a former United States judge for the Southern District of New York, who earlier in his career represented one of the plaintiffs in the Brown v. Board of Education case, said of the 1983 version of rule 11:

''I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in Brown v. Board of Education would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start.''

For that reason alone, I urge the adoption of this amendment.

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

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, let me say, first of all, that the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS), has been a champion of civil rights all of his life. I recognize and respect that.

For that reason, I would like to try to reassure him that the base bill already says, as I mentioned in my opening statement:

''Nothing in this Act or an amendment made by this Act shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.''

This provision clearly preserves the right to assert claims under the civil rights laws or the Constitution. I don't know how this language could be more clear.

This amendment would allow frivolous claims to be brought under civil rights laws without any of the penalties required in the base bill. If this amendment were adopted, the bill would invite the filing of frivolous civil rights claims without any penalty whatsoever.

I urge my colleagues to oppose this amendment, which regrettably would expose innocent Americans to abusive and frivolous lawsuits.

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

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I support Representative CONYERS' amendment.

I include in the RECORD in support of our amendment a Judicial Conference letter dated April 13, 2015, and letters from a number of organizations, including the Alliance for Justice and the American Association for Justice.

I also include in the RECORD a letter from the American Bar Association, who begins their message:

''On behalf of the American Bar Association, ABA, and its over 400,000 members, I am writing to urge you to vote against H.R. 720, the Lawsuit Abuse Reduction Act . . . which is scheduled for a floor vote this week.''

Re Groups Strongly Oppose Attacks on Civil Justice.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. JOHN CONYERS, Jr.,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLATTE AND RANKING MEMBER CONYERS: On February 2, the House Committee on the Judiciary is scheduled to mark up several bills that collectively would make it more difficult for Americans to enforce their legal rights, and would place unreasonable burdens on the federal judiciary and federal enforcement officials. The undersigned organizations strongly oppose these bills as harmful and unnecessary.

H.R. 720: THE LAWSUIT ABUSE REDUCTION ACT (LARA)

LARA would make major, substantive changes to Rule 11 of the Federal Rules of Civil Procedure, bypassing both the Judicial Conference of the United States and the U.S. Supreme Court in the process. Rule 11 provides judges with authority to sanction attorneys for filing frivolous claims and defenses. It provides judges with discretion to decide, on a case-by-case basis, if sanctions are appropriate. LARA would remove this judicial discretion, mandating sanctions. LARA would reinstate a rule put into effect in 1983 that was so unworkable it was rescinded in 1993 after many problems and nearly universal criticism. Among those problems were: the rule had a chilling effect on the filing of meritorious civil rights, employment, environmental, and consumer cases; the rule was overused in civil rights cases as sanctions were sought and imposed against civil rights plaintiffs more than against any other litigants in civil court; and the rule burdened the already strained federal court system with satellite litigation over compliance with the rule. These burdens adversely affected cases of all types, including business-to-business civil litigation. Congress should be looking for ways to decrease, not increase, wasteful burdens on the courts, and should avoid rules changes that have a discriminatory impact on civil rights, employment, environmental, and consumer cases.

H.R. 725: THE INNOCENT PARTY PROTECTION ACT

This bill would upend long established law in the area of federal court jurisdiction, specifically addressing the supposed overuse of ''fraudulent joinder'' to defeat complete diversity jurisdiction in a case. It was previously known as the ''Fraudulent Joinder Prevention Act.'' However, this bill is not about fraud. It is a corporate forum-shopping bill that would allow corporations to move cases properly brought in state courts into federal courts. Corporate defendants support this bill because they prefer to litigate in federal court, which usually results in less diverse jurors, more expensive proceedings, longer wait times for trials, and stricter limits on discovery. For plaintiffs, who are supposed to be able to choose their forums, this legislation would result in additional time, expense, and inconvenience for the plaintiff and witnesses. Moreover, there is no evidence that federal courts are not already properly handling allegations of so-called ''fraudulent joinder'' after removal under current laws. The bill would result in needless micromanagement of federal courts and a waste of judicial resources. While it purports to fix a non-existent problem, it creates problems itself.

H.R. 732: STOP SETTLEMENT SLUSH FUNDS ACT

Under existing laws, settlement terms that result from federal enforcement actions can sometimes include payments to third parties to advance programs that assist with recovery, benefits, and relief for communities harmed by lawbreakers, to the extent such payments further the objectives of the enforcement action. This bill would cut off any payments to third parties other than individualized restitution and other forms of direct payment for ''actual harm.'' That restriction would handcuff federal enforcement officials by limiting their ability to negotiate appropriate relief for real harms caused to the public by illegal conduct that is the subject of federal enforcement actions. This bill would be a gift to lawbreakers at the expense of families and communities suffering from injuries that cannot be addressed by direct restitution.

We urge you to oppose each of these bills. For more information, please contact Joanne Doroshow at the Center for Justice & Democracy or Susan Harley at Public Citizen's Congress Watch.

Very sincerely,

Alliance for Justice, American Association for Justice, Americans for Financial Reform, Asbestos Disease Awareness Organization, Brazilian Worker Center, California Kids IAQ, Center for Biological Diversity, Center for Justice & Democracy, Center for Science in the Public Interest, Coal River Mountain Watch, Comite Civico, Committee to Support the Antitrust Laws, Consumer Action, Consumer Federation of America, Consumers for Auto Reliability and Safety.

Daily Kos, DMV EJ Coalition Earthjustice, East Yard Communities for Environmental Justice, Environmental Working Group, Farmworker Association of Florida, Homeowners Against Deficient Dwellings, IDARE LLC, Impact Fund, Louisiana Bucket Brigade, M&M Occupational Health and Safety Services, Martinez Environmental Group, National Association of Consumer Advocates, National Center for Law and Economic Justice, National Consumer Law Center (on behalf of its low income clients).

National Consumers League, National Employment Lawyers Association, Natural Resources Defense Council, New Haven Legal Assistance Association, Ohio Citizen Action, Ohio Valley Environmental Coalition, Oregon Environmental Council, Progressive Congress Action Fund, Protect All Children's Environment, Public Citizen, Public Justice Center, Public Law Center, RootsAction.org, Southern Appalachia Mountain Stewards, Texas Watch, The Workers' Rights Center, U.S. PIRG, Western New Council on Occupational Safety and Health, WisCOSH, Inc., Workplace Fairness, Worksafe.

AMERICAN BAR ASSOCIATION,
Washington, DC, March 7, 2017.

ABA URGES YOU TO OPPOSE PASSAGE OF H.R. 720, THE LAWSUIT ABUSE REDUCTION ACT

DEAR REPRESENTATIVE: On behalf of the American Bar Association (ABA) and its over 400,000 members, I am writing to urge you to vote against H.R. 720, the Lawsuit Abuse Reduction Act of 2015, which is scheduled for a floor vote this week.

Even though this legislation may seem straightforward and appealing on initial review, a thorough examination of the concerns the bill is designed to address provides compelling evidence that, rather than reducing frivolous lawsuits, H.R. 720 will encourage civil litigation abuse and increase court costs and delays.

H.R. 720 seeks to amend Rule 11 of the Federal Rules of Civil Procedure by rolling back critical improvements made to the Rule in 1993. The legislation would reinstate a mandatory sanction provision that was adopted in 1983 and eliminated a decade later after experience revealed its unintended, adverse consequences. It also would eliminate the ''safe harbor'' provision, added in 1993, which has helped reduce frivolous lawsuits by allowing parties to withdraw claims within 21 days after a motion for sanctions is served.

The ABA urges you to oppose enactment of H.R. 720 for three main reasons. First, the legislation was drafted in an empirical and historical vacuum without the input of the judicial branch. Second, there is no demonstrated evidence that the existing Rule 11 is inadequate and needs to be amended. And third, by ignoring the lessons learned from ten years of experience under the 1983 mandatory version of Rule 11, Congress incurs the substantial risk that the proposed changes will harm litigants by encouraging additional litigation and increasing court costs and delays.

I. AMENDMENTS TO THE FEDERAL RULES SHOULD BE VETTED THROUGH THE RULES ENABLING ACT PROCESS

The Rules Enabling Act was established by Congress to assure that amendment of the Federal Rules occurs only after a comprehensive and balanced review of the problem and proposed solution is undertaken by the Judicial Conference of the United States, the policy-making arm of the federal judiciary, in consultation with lawyers, scholars, individuals, and organizations devoted to improving the administration of justice. Prior to submission to Congress, a proposed amendment undergoes extensive review and public comment, a process that often takes over two years and offers Members assurance the proposed amendment is necessary and wise.

In stark contrast, H.R. 720 proposes to amend the Federal Rules over the objections of the Judicial Conference and despite compelling evidence that it will adversely affect the administration of justice.

II. THERE IS NO EMPIRICAL EVIDENCE THAT RULE 11 IS INADEQUATE AND NEEDS TO BE AMENDED

Proponents state that the legislation is needed to stem the growth in frivolous lawsuits that, according to the written statement of the National Federation of Independent Business, has ''created a legal climate that hinders economic growth and hurts job creation.''

There simply is no proof that problems created by frivolous lawsuits have increased since 1993 or that the current Rule 11 is ineffective in deterring frivolous filings. In fact, it is more likely that problems have abated since 1993 because Rule 11's safe harbors provision provides an incentive to withdraw frivolous filings at the outset of litigation.

In addition, according to Professor Danielle Kie Hart and other researchers, after the current version of Rule 11 went into effect, there was an increased incidence of sanctions' being imposed under other sanction rules and laws, including 28 U.S.C. §1927, as well as pursuant to the court's inherent power. Judges have numerous tools at their disposal to impose sanctions and prevent frivolous lawsuits from going forward.

III. THERE IS SUBSTANTIAL RISK THAT H.R. 758 WOULD IMPEDE THE ADMINISTRATION OF JUSTICE BY ENCOURAGING ADDITIONAL LITIGATION AND INCREASING COURT COSTS AND DELAYS

Most importantly, there is no evidence that the proposed changes to Rule 11 would deter the filing of non-meritorious lawsuits. In fact, as stated earlier, past experience strongly suggests that the proposed changes would encourage new litigation over sanction motions, thereby increasing, not reducing, court costs and delays. This is a costly and completely avoidable outcome.

IV. CONCLUSION

The 1983 version of Rule 11 was ill-conceived and created significant unintended adverse consequences that harmed litigants and impeded the administration of justice. We urge you to avoid making the same mistake and to oppose passage of H.R. 720.

If you have any questions concerning the ABA's position on this bill, please feel free to contact me or Denise Cardman, Deputy Director of the Governmental Affairs Office.

Sincerely,

THOMAS M. SUSMAN.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. JEFFRIES

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 115–29.

Mr. JEFFRIES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 3. PROTECTING ACTIONS PERTAINING TO WHISTLEBLOWERS.

Nothing in this Act, or the amendments made by this Act, shall be construed to apply to actions brought by an individual, or individuals, under Federal whistleblower laws, Federal anti-retaliation laws, or any Federal laws which protect reporting government misconduct or malfeasance.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from New York (Mr. JEFFRIES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. JEFFRIES. Mr. Chairman, I thank my distinguished colleagues in government and the lead Democrat on the House Judiciary Committee for their continued leadership.

My amendment would amend from the underlying bill all actions where whistleblowers allege misconduct or malfeasance in connection with the Federal Government. A whistleblower is defined as one who reveals wrongdoing within an organization in the hope of stopping it.

Our country has long recognized the importance of affording legal protections to whistleblowers. Under the protection and umbrella of these laws, whistleblowers have helped expose corruption, government waste, fraud, unconstitutional practices, and abuses of the public trust. They have risked, in many cases, their livelihoods to do what is right for this country and defend our democracy.

It should not be our objective to create barriers that will stop people in good faith from coming forward by subjecting them or their representatives to mandatory sanctions, but that is exactly what this bill is designed to do.

This amendment will ensure that whistleblowers are still protected under current law when they bring an action through our judicial system. The need for this amendment is clear now more than ever.

Donald Trump and his team appear, at times, to be paranoid about the information that comes out of 1600 Pennsylvania Avenue. If the 45th President of the United States chooses to run the White House and the government in the same way that he ran many of his businesses, their fear may be well-founded. He does not have a great track record.

Donald Trump has been sued by the Department of Justice for violating Federal antidiscrimination laws, refusing to rent apartments to people based on their race. I note that that lawsuit in the early 1970s was brought by the Nixon Justice Department.

He was forced to shut down Trump University, an apparent scam that he used to rip off students, swindling them out of tens of thousands of dollars. And he has repeatedly failed to pay his workers and contractors for their services—hardworking Americans.

He created a fake charity, the Trump Foundation, which apparently has been used to pay for a portrait of himself and pay off fines and bills. He has declared bankruptcy four times in his career after losing billions of dollars.

Now, as President, this is the first time that Donald Trump has had to act in the best interest of someone other than himself or his family.

His Cabinet, however, consists of the superwealthy, many of whom are unfamiliar with the programs that their departments oversee and who are inexperienced in handling billions and billions of taxpayer dollars. Many others seem more concerned about helping out interests that are corporate in nature, not the people's interests.

In the words of the legendary Supreme Court Justice Louis Brandeis:

''Sunlight is the best of disinfectants, electric light the most efficient policeman.''

Putting whistleblower protections at risk puts our democracy at risk, and for that reason, I urge adoption of this amendment.

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

The Acting CHAIR. Members are reminded to refrain from engaging in personalities toward the President.

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the Chair pointing out that it is improper to impugn the integrity or damage the reputation of the President of the United States or others. I thank the Chair for pointing that out.

Mr. Chairman, the Lawsuit Abuse Reduction Act makes three important changes to rule 11 to limit lawsuit abuse by imposing sanctions for bringing frivolous lawsuits. These changes apply to all cases brought in Federal district courts.

However, this amendment would change that. If this amendment is adopted, the changes to rule 11 made by LARA would not apply to lawsuits brought in relation to whistleblower claims. There is no reason to make this or other exceptions.

The changes made by the Lawsuit Abuse Reduction Act should apply uniformly throughout the Federal courts. Because this amendment excludes certain cases from the bill's coverage and thereby allows frivolous lawsuits to be filed without any of the penalties required by the bill, I oppose the amendment.

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

Mr. JEFFRIES. Mr. Chairman, I would add that, in a democracy, the ability to use the Article III Federal court system is incredibly important as it relates to the chance for individual citizens who recognize that wrongdoing is taking place to do something about it and save taxpayers from the waste, fraud, and abuse that so many in this Chamber appear to often be concerned about.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, proponents of this amendment want to allow lawsuits with no basis in law or fact to proceed without penalty if the lawsuit relates to whistleblowers. Think about that. The proponents of this amendment support lawsuits that apparently have no basis in law or fact, and they want those frivolous lawsuits to proceed without penalty.

Let me remind Members what the base bill—which is just one page long—actually does. It makes it mandatory for the victims of frivolous lawsuits filed in Federal court to be compensated for the harm done to them by the filers of frivolous lawsuits. The bill doesn't change the existing standards for determining what is or is not a frivolous lawsuit. So under the bill, mandatory sanctions would only be awarded to victims of frivolous lawsuits when those lawsuits, as determined by the judge, have no basis in law or fact, including cases related to whistleblowers that have no basis in law or fact.

This amendment would allow legally frivolous whistleblower cases to go without penalty and leave their victims uncompensated, so I urge all of my colleagues to oppose it.

Once again, I don't know how any reputable attorney would have any concerns with this legislation.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. JEFFRIES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JEFFRIES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 115–29 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SOTO of Florida.

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 3 by Mr. CONYERS of Michigan.

Amendment No. 4 by Mr. JEFFRIES of New York.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. SOTO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. SOTO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 225, not voting 23, as follows:

[Roll No. 153]

AYES—181

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

NOES—225

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

NOT VOTING—23

Banks (IN)
Barletta
Bishop (UT)
Boyle, Brendan F.
Buck
Carter (GA)
Comstock
Davis (CA)
DeSaulnier
Duffy
Jones
Kuster (NH)
Langevin
Lynch
Moore
O'Halleran
Palazzo
Richmond
Rush
Sinema
Titus
Walz
Waters, Maxine

□ 1049

Messrs. BOST, LUETKEMEYER, BUDD, and BISHOP of Michigan changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LANGEVIN. Mr. Chair, on rollcall No. 153, I was unavoidably detained. Had I been present, I would have voted "Aye."

Stated against:

Mrs. COMSTOCK. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "Nay" on rollcall No. 153.

Mr. CARTER of Georgia. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "Nay" on rollcall No. 153.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 225, not voting 19, as follows:

[Roll No. 154]

AYES—185

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

NOES—225

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

NOT VOTING—19

Amash
Barletta
Boyle, Brendan F.
Buck
Castro (TX)
Davis (CA)
Duncan (SC)
Faso
Gaetz
Jones
Kuster (NH)
McClintock
Moore
Richmond
Roybal-Allard
Rush
Ryan (OH)
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1053

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. ROYBAL-ALLARD. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 154.

Stated against:

Mr. AMASH. Mr. Chair, had I been present, I would have voted "nay" on rollcall No. 154.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 227, not voting 12, as follows:

[Roll No. 155]

AYES—190

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

NOES—227

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold

Faso
Ferguson
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—12

Barletta
Boyle, Brendan F.
Castro (TX)
Davis (CA)
Johnson (OH)
Jones
Kuster (NH)
McClintock
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1058

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. JEFFRIES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. JEFFRIES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 229, not voting 11, as follows:

[Roll No. 156]

AYES—189

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

NOES—229

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

NOT VOTING—11

Barletta
Boyle, Brendan F.
Davis (CA)
Johnson (GA)
Jones
Kuster (NH)
Richmond
Rush
Sinema
Titus
Yoho

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1102

Mr. DOGGETT changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. YOHO. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "Nay" on rollcall No. 156.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. HULTGREN, 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. 720) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and, pursuant to House Resolution 180, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

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

MOTION TO RECOMMIT

Ms. LOFGREN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LOFGREN. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Lofgren moves to recommit the bill H.R. 720 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add, at the end of the bill, the following:

SEC. 3. PROTECTING AMERICANS FROM FOREIGN GOVERNMENT INTERFERENCE.

Nothing in this Act or the amendments made by this Act may be construed to apply to a civil action that implicates the foreign emoluments clause of the United States Constitution.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

As has been amply discussed, the mandatory sanctions and fees in this bill would have a chilling effect on cutting-edge litigation. One type of cutting-edge litigation to suffer would be citizen lawsuits seeking enforcement of the foreign Emoluments Clause. The amendment proposed in this motion would exempt civil actions that implicate foreign emoluments.

Article I, section 9, clause 8 of the Constitution says: ''No person holding any office of profit or trust . . . shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.''

Why did the Founding Fathers write this? Concern that foreign governments might try to control America. They wanted to make sure that nothing—no gifts, no payments, no advantages of any kind—could be received by officers of the United States, including the President, unless Congress approved it. They wanted to make sure that loyalty was completely to America, not divided by obligations to foreign powers. So receipt of emoluments is a serious breach of the requirements of the Constitution unless Congress approves the payment.

Congress has not voted to approve payments by foreign governments to our President. Some Americans are considering legal action to protect America from a Presidential violation of the Emoluments Clause.

President Trump took the symbolic step of resigning from his businesses, but he still gets the income. Letting his family run his businesses doesn't solve the emoluments violations.

Here are some of the potential problems:

In February, China gave provisional approval for 31 new trademarks for The Trump Organization, which have been sought for a decade, to no avail, until he won the election. This is a benefit the Chinese Government gave to the President's business.

At Trump Tower in New York, the Industrial and Commercial Bank of China's large tenant, the United Arab Emirates, leases space, and the Saudi mission to the U.N. makes payments. Money from these foreign countries goes to the President.

The President is part owner of a New York building carrying a $950 million loan, partially held by the Bank of China. He literally owes the government of China.

The Embassy of Kuwait held its 600-guest National Day celebration at Trump Hotel in Washington, D.C., last month, proceeds to Trump.

The President has deals in Turkey. When he announced the Muslim ban, Turkey's President called for President Trump's name to be removed from Trump Towers Istanbul. His company is currently involved in major licensing deals for that property.

Shortly after the election, the President met with former U.K. Independent Party leader Nigel Farage, to get help to get the view from his golf resorts in Scotland resolved. Both golf resorts he owns there are promoted by Scotland's official tourism agency.

Foreign government-owned broadcasts in several countries air the President's television program ''The Apprentice,'' resulting in royalties and other payments from these governments.

There may be many more business violations to the Emoluments Clause that are unknown due to the President's refusal to disclose his tax returns.

Congress could move to approve these questionable payments and benefits under Article 1, section 9 to solve the constitutional violation, although, in my view, that would not resolve concerns about divided loyalties.

But Congress has done nothing—neither enforce the clause nor authorize the payments. That is why patriotic citizens are returning to the third branch of government to defend the Constitution and the country.

America has never faced this situation before, and any litigation will, of course, be breaking new ground and, therefore, be more susceptible to the mandatory rule 11 fees required by the bill.

Citizens who seek a President free from foreign influence by bringing actions in court should not be penalized with the mandatory fees required by this bill.

Mr. Speaker, I encourage my colleagues to vote for this motion to recommit, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I will be brief.

Proponents of the motion to recommit want to allow lawsuits with no basis in law or fact to proceed without penalty in the area covered by their motion. Let that sink in for a moment—and just a brief moment.

The proponents of the motion to recommit support certain lawsuits that apparently have no basis in law or fact. Otherwise, they have no relevance to this bill. If they are relevant motions, they won't have to worry about it. They want those frivolous lawsuits to proceed without penalty.

Every time a judge decides a company made a defective product that ended up hurting people, damages are awarded. When a lawyer makes up a lawsuit that has no basis in law or fact, that lawsuit is a defective product. The victims harmed by that defective product should be compensated just like everyone else.

Oppose this motion to recommit, pass the base bill, and let's show America where we stand on frivolous lawsuits and on the compensation rightfully owed to the victims of frivolous lawsuits.

Mr. 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

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 232, not voting 11, as follows:

[Roll No. 157]

AYES—186

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

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

NOES—232

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

NOT VOTING—11

Barletta
Boyle, Brendan F.
Brady (TX)
Davis (CA)
Jones
Kuster (NH)
Richmond
Rush
Sinema
Titus
Walden

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1118

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 157, I was unavoidably detained to cast my vote in time. Had I been present, I would have voted "No."

PERSONAL EXPLANATION

Ms. KUSTER of New Hampshire. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "Yea" on rollcall No. 153, "Yea" on rollcall No. 154, "Yea" on rollcall No. 155, "Yea" on rollcall No. 156, and "Yea" on rollcall No. 157.

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 230, noes 188, not voting 11, as follows:

[Roll No. 158]

AYES—230

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

NOES—188

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Courtney
Crist
Crowley
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Langevin
Larsen (WA)
Larson (CT)
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch

Maloney, Carolyn B.	Pingree	Slaughter
Maloney, Sean	Pocan	Smith (WA)
Matsui	Poe (TX)	Soto
McCollum	Polis	Speier
McEachin	Price (NC)	Suozzi
McGovern	Quigley	Swalwell (CA)
McNerney	Raskin	Takano
Meeks	Rice (NY)	Thompson (CA)
Meng	Rosen	Thompson (MS)
Moore	Roybal-Allard	Tonko
Moulton	Ruiz	Torres
Murphy (FL)	Ruppersberger	Tsongas
Nadler	Russell	Vargas
Napolitano	Ryan (OH)	Veasey
Neal	Sánchez	Vela
Nolan	Sarbanes	Velázquez
Norcross	Schakowsky	Visclosky
O'Halleran	Schiff	Walz
O'Rourke	Schneider	Wasserman Schultz
Pallone	Schrader	Waters, Maxine
Panetta	Scott (VA)	Watson Coleman
Pascrell	Scott, David	Welch
Payne	Serrano	Wilson (FL)
Pelosi	Sewell (AL)	Yarmuth
Perlmutter	Shea-Porter	
Peters	Sherman	
	Sires	

NOT VOTING—11

Barletta	Davis (CA)	Rush
Boyle, Brendan F.	Jones	Sinema
	Lawrence	Titus
Brady (TX)	Richmond	Walden

□ 1129

Ms. ROSEN changed her vote from ''aye'' to ''no.''

Mr. MARCHANT changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 158, I was unavoidably detained to cast my vote in time. Had I been present, I would have voted ''Yes.''

PERSONAL EXPLANATION

Ms. KUSTER of New Hampshire. Mr. Speaker, on Friday, March 10, 2017, I missed the following rollcall votes to H.R. 720: number 153 the Soto Amendment, number 154 the Jackson-Lee amendment, number 155 the Conyers amendment, number 156 the Jeffries amendment, number 157 on the Democratic motion to recommit and number 158 on final passage. Had I voted, I would have voted ''Aye'' on rollcall vote 153, ''Aye on rollcall vote 154, ''Aye'' on rollcall vote 155, ''Aye'' on rollcall vote 156, ''Aye'' on rollcall vote 157 the Democratic motion to recommit, and ''Nay'' on rollcall vote 158 on final passage of H.R. 720.

LEGISLATIVE PROGRAM

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

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

(Mr. MCCARTHY asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, on Monday, no votes are expected in the House. On Tuesday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30. On Wednesday and Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business today.

In addition, the House will consider several important bills from the Veterans' Affairs Committee.

First, H.R. 1181, the Veterans Second Amendment Protection Act, sponsored by Chairman PHIL ROE, which ensures that the Second Amendment rights of VA beneficiaries are not restricted without due process.

Next, H.R. 1259, the VA Accountability First Act, also sponsored by Chairman ROE, which grants the VA Secretary increased discretion to remove or suspend VA employees due to poor performance.

Finally, H.R. 1367, sponsored by Representative BRAD WENSTRUP, which enhances the VA's ability to recruit and retain highly qualified employees.

The failures of the VA are well-documented and completely unacceptable. These bills are a step in the right direction towards creating greater accountability at the VA, and keeping our promise to Americans' veterans who have sacrificed so much for us.

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

I would now like to ask him, we passed the DOD Appropriations bill and sent that to the Senate. We have already done the MILCON bill. And I am wondering—there are ten remaining bills—whether the majority leader could give me some idea, in light of the fact that the CR, which once it goes to April 28, we will either have to do those bills individually or in some sort of an omnibus, whether the gentleman has any idea how soon we might be considering the balance of the year's appropriation to September 30?

Mr. Speaker, I yield to my friend.

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

I am pleased that we were able to pass the FY17 Defense Appropriations bill on a bipartisan basis this week. It is my hope that we can continue to pass the appropriation bills on a bipartisan basis as well.

As for future legislation, I would refer my friend to the Appropriations Committee, and, as always, I will keep Members posted of any scheduling updates.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that insightful comment.

Let me say this, Mr. Leader, if, as we did in the Defense Appropriations bill, if we follow the template where we will reach bipartisan agreement on those bills in committee without any poison pills language in them—which you did on the appropriation bill, and, as you saw, we appreciated that, and we were overwhelmingly supportive of that effort—I would hope that, Mr. Leader, you would urge—and I think, very frankly, I am a big fan of Mr. FRELINGHUYSEN, who is the chairman of the committee. I think he is a Member that I have worked well with over the years, and I think he is somebody who is going to do the committee proud as its chairman—but I am hopeful that we can do, as we did with the appropriation bill for the Defense Department, a similar procedure. So I think that the majority leader will be pleased with our support if, in fact, that can happen.

Mr. Speaker, I yield to my friend.

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

I have great trust in Chairman FRELINGHUYSEN. I think you will continue to see that behavior.

Mr. HOYER. Mr. Speaker, on a less happy collegial note, it comes as no surprise to the majority leader at the height of our displeasure and disappointment as it relates to what is going on, back to the consideration of the reconciliation process for the repeal or modification of the Affordable Care Act with the American Health Care Act. The bill was posted this Monday, this past Monday night, it was marked up on Wednesday, there were no hearings, there were no opportunities for witnesses to come forward. And as the gentleman knows, he is absolutely correct, I like these quotes, but I like these quotes because they point out theoretically what I would have great agreement with in terms of process.

Particularly, I call your attention to a quote of Speaker PAUL RYAN: ''Congress is moving fast to rush through a healthcare overhaul that lacks a key ingredient: the full participation of you, the American people.''

That quote was July 19, 2009. That quote was referring to the process involved in the adoption of the Affordable Care Act.

As the gentleman knows, the Affordable Care Act had 79 hearings. As the gentleman knows, there were 181 witnesses who testified about the Affordable Care Act. As the gentleman knows, that process took approximately 1½ years, 8 months of which was waiting to see whether Senator GRASSLEY would participate in a bipartisan way in forging healthcare reform in this country.

The gentleman is well aware, not only have we had literally hundreds of thousands of people around the country come to townhall meetings, many that his Members have held, and express their deep concern about the loss of healthcare security if the Affordable Care Act is repealed. So there is no doubt that the American public—I am not saying it is 100 percent—but a large number of the American public are very concerned.

The gentleman further knows, I am sure, because I am sure he has seen the letters, the American Medical Association, the American Hospital Association, the American Nurses Association,

even the Consumers Union, and hundreds of other groups representing providers, patients, even insurance companies, have expressed deep, deep concern about the adverse consequences of the passage of the American Health Care Act that was marked up in the dead of night. We were criticized. The gentleman apparently doesn't agree with that. But the facts are the facts. They are not alternative facts.

You started marking them up on Wednesday morning, there was some delay during the day, as you know, because we were very concerned about how fast you were moving that. Less than 48 hours after it was introduced, it was marked up. No hearings, no witnesses, no ability to read the bill.

As a matter of fact, shockingly, Mr. BRADY voted against an amendment which said: Read the bill. Now, what was shocking about that is that was Mr. BRADY's amendment that he offered back in 2010. He voted against the amendment that said: Read the bill. I don't think anybody really had much opportunity to read the bill before it was marked up.

GREG WALDEN, who is chairman of the Energy and Commerce Committee, said also, in July of 2009:

> On a bill of this significance, you would think that we would at least allow people to come in who are affected by the extraordinary changes in this bill and have a chance to let us know how it affects them.

That was GREG WALDEN, now the chairman of the Energy and Commerce Committee, July 9, 2009. He is now in charge of that committee. Not a single witness testified on the bill that was marked up in his committee. And it was marked up through the dead of the night, if we want to parse our words, because it started in the morning of Wednesday. But it didn't end until the morning, 26 hours later, on Thursday. Which meant that Mr. WALDEN kept his members in their seats marking up a bill, except when they were voting coming over here, for 26 hours straight on one of the most consequential bills this House will consider and that the Senate will consider, affecting, as I said, millions and millions and millions of people.

Now, I understand the Budget Committee is scheduled to mark that bill up on Wednesday, just a week later. Again, I don't know whether there are going to be hearings and if those hearings will be open to the witnesses that should be called to testify on a bill of such impact.

Let me do one additional quote, because the chairman of the Ways and Means Committee had an interesting quote as well. He said: ''The Democratic Congress and White House simply aren't listening. Democrats are ramming it through over the public's objections.''

That was on March 17, 2010, some year after the bill had been introduced. Thousands of meetings had been held by Republicans and Democrats around the country on the bill. And, as I said, 79 hearings and 181 witnesses later. That is what Chairman BRADY said.

And, of course, Chairman BRADY, in less than 48 hours, had a markup. Now, he did not have quite as long a markup. It ended at 4:30 a.m. Thursday morning. So that was the dead of night. Or, if you want to parse words, perhaps, the dead of the early morning. But, nevertheless, most of my public wasn't up watching. I presume even at 4:30, which would have been 1:30 for your public, they weren't up watching.

So this was done out of the sight of the public and is inconsistent, I suggest to my friend, Mr. Speaker, the majority leader, inconsistent with the pledge of transparency, openness, and those three quotes that I just read you that said the American people should have the opportunity to express their opinion on legislation generally, but certainly on legislation of this consequence.

Mr. Speaker, I yield to my friend.

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

I always look forward to these discussions. I know they are about the schedule, but I always look forward to what quotes you are going to bring up next.

Let me see if I can answer all of those questions that you raised.

First, my friend did inform me, last week and again today, that the Democrats have held 79 hearings over 2 years on ObamaCare. Well, we have spent the last 6 years.

I promised you that I would see how many hearings we had. When I went back and checked, the Republicans have held 113 hearings on the ways to repeal and replace ObamaCare. We had expert witnesses on both sides of the aisle on everything from the individual mandate and Medicaid sustainability, to the medical device tax, and ObamaCare's failing co-ops.

We have been committed to repealing and replacing this law for years, and I am sure you will find a lot of quotes from almost everybody on this side of the aisle saying that same thing. We have done the work, we have listened to the American people, and we believe now it is time to act.

You did bring up about the committees. You brought up about reading the bill. So what we put forth is we put a website together for the patient-centered healthcare bill, and it is available online at readthebill.gop. Now, this is only 123 pages. That is a difference from your bill of 2,700 pages for ObamaCare.

Now, we remember what the Democrats said when they were passing ObamaCare, that you had to pass the bill to see what is in it. So I went back and checked how many people were unable to visit the website. We had over 350,000 visitors visit our website in just 36 hours, and 100,000 downloaded the legislative text.

□ 1145

Now, when you talk about dead of night, I was on this floor, you were on this floor, and I know people on both sides of the aisle have used it before, but the dilatory activity on the other side of the aisle to slow this process down put us into nighttime.

And then let's think about how this process went. It was an open process. Why did it go so long? We debated hours of Democrats' amendments because we weren't going to shut it down. We never called the question. We kept going as long as people wanted to go. And we spent hours on one amendment that just wanted to change it to a hashtag of a different name. That was a Democratic amendment to somehow change the bill. We didn't stop with that. We let everybody talk, and we let everybody have their voice because we believe in regular order.

Yes, we spent 27 hours on it because we were not going to deny anybody the ability to talk or offer their amendment. And that is exactly what we did, and that is what the American people expect to have happen.

So, 113 hearings, I congratulate you on your 79; 123 pages compared to 2,700. I believe this is a great first step in three phases. For too long this health care of ObamaCare has failed.

In that 2,700 pages they created 23 co-ops and provided more than $2 billion. In this short amount of time, 18 of them have collapsed. They had the quote that, if you like your health care, you could keep it, but millions of Americans found out that wasn't true. They said your premiums would go down. Millions of Americans have found out that is not true either.

Now, across this country, one-third of the entire country only has one provider. And the very sad part of this, just within the last month, Humana announced that they are going to pull out. That is leaving 16 counties, and I see my good friends from Tennessee, with no provider at all.

We can do so much better. That is why we spent the years; we spent the hearings; we have had the witnesses.

And I know it is your right to come and ask to adjourn so somehow we couldn't get to the bill, it is your right to continue to ask to adjourn so Members can't offer their amendments, but you know what? If we had to spend through the dead of night and stay up so we made sure, even if it is on the other side of the aisle, a Democrat could offer an amendment, just a hashtag to change the name, that is your right, and we would spend the time and do it. And we spent hours at it.

If you ask me, personally, I didn't think that amendment changed anybody's health care in America. But you have a right to do it, and we made sure we kept that right, and we had regular order.

I thank the gentleman for his quotes.

Mr. HOYER. I thank the gentleman for his comments.

Mr. Speaker, we have had, literally, tens of thousands of hearings that have dealt with almost every issue that this

House considers. I suppose I should take from the majority leader's discussion that, if we have had those hearings in previous Congresses, in the last Congress, the Congress before that, the Congress before that, and we have a substantial number of new Members in this House, and we have millions and millions of voters who are counting on this, we will just simply tell them: Read the transcript of 2002 or of 2009 or of 2013. That is not regular order, Mr. Speaker.

Regular order is you introduce a bill. It is referred to a committee, which in turn refers it to a subcommittee, and, even if it keeps it in the bosom of the full committee, it has a hearing. It posts the bill. It tells citizens throughout this country: If you have an interest, come in and tell us what your interest is, what your perspective is, what you think the ramifications of this bill are. The subcommittee marks it up, if it was referred to a subcommittee, then the full committee marks it up, and then it is referred to the floor. That is regular order, Mr. Speaker.

To rationalize a procedure which has a bill introduced Monday night and is subjected to 26 hours, straight, of markup on the following Wednesday, less than 48 hours later, no matter how you dress it up, that is not, Mr. Speaker, regular order.

What it is is trying to jam through a bill before the American public has an opportunity to tell us what they think about the bill. What it is is jamming through a bill and not allowing the providers, the doctors, the patients, the insurance companies, all of the stakeholders, to have an opportunity to read that bill introduced about 72 hours ago now—a little more than that, maybe close to 96.

That, Mr. Speaker, is not regular order. And I will tell my friend for whom I have a great deal of respect, I think he puts the best face on it, but nobody believed the Republicans had a bill, Mr. Speaker, until Monday night. Well, actually, I believed they had a bill at the last colloquy, and I looked for it all over this Capitol. I couldn't find it. It wasn't posted. The ranking member on the committee didn't have it. No committee Democrat had the bill. They couldn't read it.

So to pretend, Mr. Speaker, that hearings on some other bill at some other time in some other Congress suffices for regular order is something, Mr. Speaker, I cannot agree with. And if the situations were reversed, as I have experienced over the last 36 years, that side of the aisle would have torn this place apart. Why do I think that? Because I have seen it.

Yes, we had some delaying, four motions to adjourn, so that we had some time to figure out what this bill was about and some time to hear from the American people. It certainly wasn't enough time. We are going to be hearing more from the American people, I think, Mr. Speaker.

I appreciate the gentleman trying to say that, well, we only had 48 hours. Sometimes, Mr. Speaker, we do that in a hurry. And the reason is because we are about to go on a break. We are about to go on an August break or a recess or something of that nature. That is not the case. These committees didn't have to meet through the night. They could have met Thursday. They could have met today. They could meet next week. But this bill is being rushed through too fast with too much adverse consequence to the American people.

I would hope the majority leader would slow this bill down. I hope the Rules Committee has full hearings on this bill and that it does not have just attenuated hearings with few witnesses, because there are a lot of people who want to tell us, their Representatives, what their view is of this bill.

I know the Speaker has said there are going to be three phases to this bill, and the majority leader said so as well, and there will be additional legislation. I hope, Mr. Speaker, that my friend, the majority leader, will urge the committees not to consider additional legislation either in the middle of the night or with no notice and no opportunity for witnesses and no hearings.

Previous hearings will not suffice, Mr. Speaker. Other Congresses had hearings. This Congress has a responsibility to hear from the American people. That is what Speaker RYAN said; that is what Mr. BRADY said; that is what Mr. WALDEN said. They said it at a time when they were in the minority, but it ought to apply when they are in the majority. And if we are in the majority, it ought to apply to us as well. I hope that happens, Mr. Speaker, for the country's sake, for our people's sake.

I will yield to the majority leader, Mr. Speaker, if he would like to speak.

Mr. MCCARTHY. I thank the gentleman for yielding, and I appreciate the gentleman's comments.

Mr. Speaker, I do want to remind people, when you use reconciliation, what is the process? Well, the process states you have the authorizing committee post and they mark up. We did that. Budget Committee marks up. They will do that next week. Rules Committee will meet, then it comes to the House floor.

I will never apologize for having 113 hearings on repealing and replacing ObamaCare. I will never apologize for having all the witnesses in.

And I love that you bring a lot of quotes of people inside that are elected, but I will be very frank. The quotes I love and the quotes I care most about are the ones that come from my constituents.

For some reason, this idea that this is a complex issue but you had hearings before so you are going to forget all about those hearings, why do we have committees? Why do you keep Members on your own side of the aisle on the same committees? To build expertise, to solve big problems. So, no, they don't forget what they learned in those hearings.

But let me read you quotes from a few constituents.

''Dear Kevin, thank you for your diligence in these disruptive political times. I have several concerns.

''ObamaCare blew us out of the water. I retired early as an RN due to health problems, so I have to pay for my entire health insurance. I am not complaining about that, but I am tired of having premiums go through the roof. I lost my doctor and my plan.

''In 2017 there were few options without a $5,000 deductible. If I have to pay that much first, then why pay for insurance? Our income is not huge. We cannot afford this.''

Or from another constituent: ''Dear Kevin, I just wanted to convey that I strongly feel legislative action is needed to fix the ACA.

''My family deductible has increased over $3,000 a year—it used to be $1,000 8 years ago—and I practically only have health insurance in case a catastrophic accident were to occur.

''Also, my sister-in-law can no longer work more than 29 hours a week since her employer does not want to have to provide insurance. That is ridiculous.''

Or: ''Dear Kevin, I just got my 2017 health insurance renewal notice, $650 per month, up 20 percent. I am 60 years old, have worked and saved all my life, so I don't qualify for subsidies. I can't go without insurance, but I can't pay for it either. Something needs to be done. I am so upset that I am crying right now.''

But my friend, Mr. Speaker, on the other side of the aisle says to wait to help these people. Forget about the 113 hearings, even though it is more than the 70-some that ObamaCare had, or 123 pages is too much instead of 2,700.

I will never apologize for having the wisdom to listen and, now, the courage to lead. But I will promise you this, Mr. Speaker, and my friend on the other side of the aisle: I have never come to this floor to offer to adjourn just to disrupt the process.

And, yes, I had Members on our side of the aisle that would get frustrated that Democrats would offer an amendment that just dealt with a hashtag. No, let's let them have their say. If they feel that is important for American health care, to put a hashtag name change, then let's spend hours on it. Because we believe in the process, we will defend your right to have that process even though it will not help one constituent of mine or yours.

But you want to spend your time doing that? We will do that. And we did do that. That is why we worked through the night. But we will not give up on the American people. That is why we are doing what we are doing, and I thank the gentleman for yielding.

Mr. HOYER. Mr. Speaker, I appreciate the remarks of the majority leader. I presume that he has heard from—I don't have the quotes in front of me,

but maybe I will bring them next week—the thousands of people who have said their lives have been saved by the Affordable Care Act; the thousands of parents with a child with a preexisting condition that, if the Republicans had succeeded in their 65 votes to repeal it, would not have been protected; the millions of seniors who are paying less for their prescription drugs because of the Affordable Care Act.

□ 1200

I could read all those letters.

Why do I read the letters of Mr. WALDEN, Mr. BRADY, and Speaker RYAN?

Because they are in charge.

All our constituents, on either side, had no opportunity to testify on this bill. But Speaker RYAN, Mr. WALDEN, and Mr. BRADY could have given them that opportunity, and they chose not to. They rationalize it apparently because, well, we had hearings in the past.

Does this bill have the subject matter of the ACA?

It does. But this bill was offered just some, as I said, 90-or-so hours ago. And the leader says: Well, that is okay. It is based on all those hearings we had.

The fact is this bill has not been brought forward for the last 7 years while there was a repeal for ACA.

Why?

We all know why. Mr. Speaker, it is because the majority could not come to an agreement, and they are not in agreement now. Perhaps, if this bill stands out there a little bit, it is so flawed they won't be able to get the votes on their side of the floor.

I was here—I don't think the majority leader was here—when we adopted the part D prescription drug program. It was called up by the majority, the Republican Party at the evening hour; and we voted from 3 a.m. until 6 a.m. And when I say we voted, that vote was kept open for 3 hours while they opportuned their Members: You have got to vote for this. President Bush wants it. You have got to vote for this.

We voted against it. But the vote was held open 3 hours, I tell my friend. That was not regular order.

Now, our side has held a vote open from time to time—never for 3 hours, but from time to time. That is why it is being rushed. It is not because they had a lot of hearings before, not because witnesses had testified they didn't like the Affordable Care Act. We understand that.

The issue is not whether people like or dislike the Affordable Care Act. It is how are we going to provide what the President has promised: access for everybody to health care at a lower cost and a better price.

I told the majority leader last week—and I repeat my comments, Mr. Speaker, to the majority leader this week—if they bring such a bill to the floor, I will support it. This bill does not do that.

So what President Trump promised during the election and what he promised from that podium just a few days ago is not what this bill represents. It is not what they promised to the American people.

What I asked the majority leader was—they are apparently going to have some additional bills—whether or not they will be also rushed through without hearings on the premise that there were hearings in the past.

I repeat that there are a lot of new Members in this body that didn't have the opportunity to have those hearings and weren't in this body. I don't know how many there are because I don't know how many Congresses we are talking about if we adopted this bill 7 years ago and then there were hearings subsequent.

So I don't know where we are going, Mr. Speaker, but I think the American people expect an opportunity to be heard. Yes, I may quote some next week.

The people who were elected by the American people to do their job have the power to open up the doors and open up the windows and pull back the curtains so that the American people could come in and testify. There were all those witnesses who testified in the last Congress and the Congress before that, but I am talking about the people who testified during a Congress in which we considered the bill. We haven't had an open rule this year, Mr. Speaker. We have had structured rules. We have had no open rule.

So in terms of the majority leader telling me, Mr. Speaker, that we want everybody to have their opportunity, and he caricatures one amendment that was—I think I would agree with him—more to show that not a single Republican would vote. And Mr. BRADY, as I pointed out, didn't vote for his own amendment that he offered when the Affordable Care Act was marked up to say read the bill.

Time was not given to read the bill.

Mr. Speaker, I understand we are not going to come to any conclusion today; but I am hopeful that the process that was perpetrated on not only the minority but also the majority this week will not be repeated, and that the representations that have been made by the Speaker, by the young guns, and by so many others would be a process that is, in fact, open, thoughtful, and democratic.

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

ADJOURNMENT FROM FRIDAY, MARCH 10, 2017, TO TUESDAY, MARCH 14, 2017

Mr. MCCARTHY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Tuesday, March 14, 2017, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

SNAP INTEGRITY

(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, I rise to continue the discussion on the Agriculture Committee's findings from hearings conducted to ensure that SNAP—or the Supplemental Nutrition Assistance Program—is meeting the needs of those it is intended to serve. After individual resources, family support, and community programs, SNAP is critical to supporting nutritional needs.

The program integrity within SNAP is critical for both the functioning and the long-term sustainability of the program. Jessica Shahin of the USDA Food and Nutrition Service emphasized in testimony:

''As vital as the program is to so many, and as well as it operates, we can all agree that it can do even better. And it is up to all of us—the Federal Government, the States, and the local providers—to work together to improve it by holding ourselves accountable. FNS is committed to continually improving the integrity of SNAP.''

Mr. Speaker, opportunities for SNAP program integrity improvements includes defining clear program goals and metrics that generate program improvement and reduce SNAP fraud rates through innovative State and Federal strategies and technologies.

UNIVERSAL COVERAGE NOT UNIVERSAL CHAOS

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

Mr. LARSEN of Washington. Mr. Speaker, I rise today in strong opposition to the American Health Care Act.

Over the past several weeks, I have held six townhalls where I have discussed health care with more than 800 of my constituents. Thousands more have called or contacted my office.

Erica, from my hometown of Arlington, told me that, thanks to the Affordable Care Act, her family can now keep their house and pay their mortgage.

Nancy from Bellingham told me she works with families who rely on Medicaid to avoid bankruptcy due to extra medical costs that come with caring for babies with disabilities.

So many Washingtonians support the Affordable Care Act and benefit from it. And of my constituents who oppose the Affordable Care Act, none of them have asked me to support legislation that would cover fewer people. None of my constituents have asked Congress to make poor people pay more for insurance. And not one of my constituents have asked Congress to give the rich a massive tax break, but that is

what the American Health Care Act will do.

This bill, Mr. Speaker, will hurt people—women, seniors, individuals with disabilities, and middle class families. It will result in universal chaos, not universal coverage.

I strongly urge my colleagues to oppose this measure.

AN EXERCISE IN SMOKE AND MIRRORS

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

Mr. LAWSON of Florida. Mr. Speaker, the Republican plan to repeal and replace the Affordable Care Act is an exercise in smoke and mirrors.

This proposal would give tax breaks to the wealthiest Americans while burdening the hardworking families with higher healthcare costs. The Republican plan also allows soaring new healthcare costs for our seniors and shortens the life of the Medicare trust fund, endangering seniors and disabled Americans who depend on Medicaid coverage. This is completely unacceptable to Floridians.

We need to hear from the Congressional Budget Office about what this bill would really mean in numbers. The American people deserve to understand what the Republicans are trying to do with their health care.

I will continue to fight to ensure that Floridians with preexisting conditions don't have to worry about losing their healthcare coverage, and that young adults can stay on their parents' insurance until they reach age 26, and that we are going to do all we can to make health care affordable and accessible for all Americans and not just for a select few.

WORST OF TIMES

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

Mr. COHEN. Mr. Speaker, when President Trump was campaigning, he said that these were the worst of times for African Americans, conveniently or ignorantly forgetting slavery and Jim Crow. He said it couldn't get any worse.

Well, it is getting worse with a Justice Department that has already retreated on voting rights and that has empowered private prisons to take advantage of people which are disparately proportionate to African Americans for prison incarceration; a HUD department where the Secretary has said slavery was akin to immigration and where $6 billion is to be cut from the budget; an education department that doesn't believe in public education that has given African Americans a chance for the American Dream; and a healthcare bill that takes away health care from the poorest and makes it to where many will not have health care, and Medicaid will be decimated and possibility eliminated.

These are the worst of times and President Trump, Mr. Speaker, is showing African Americans things can get worse. They are getting worse, and they are on a daily basis.

MORE HEALTH OPTIONS FOR FAMILIES

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

Mr. LAMALFA. Mr. Speaker, we see more and more that ObamaCare or the Affordable Care Act is, indeed, unsustainable.

Today I rise, once again, to share another story or two about some of the highlights that some of my constituents are feeling back at home.

Last night, I hosted a telephone townhall to have an opportunity to hear from people in my district, once again, about some of the unsustainable, horrible stories that they have to tell about the experiences they have had with the ACA: sky-high premiums; poor access to health care; options that are less and less, especially in rural California and rural America; deductibles that have risen so high that insurance isn't really affordable for them to use at all.

Recently a physician within my district contacted my office and said that, after more than 30 years of a successful practice with happy clients, he is no longer able to provide the type of care his patients need due to the overburdensome paperwork requirements. This is providing less choices for people, especially the middle-income families that have to choose between the things they want to save for for their future and for their dreams and now happen to have much higher premiums, less choices, and a deductible that makes their insurance almost useless to them.

The American Health Care Act will give back more options for families and other Americans that desperately need this help and to meet all the goals that we are setting out to do.

MEND THE LAW, NOT END THE LAW

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

Ms. ROSEN. Mr. Speaker, I rise today to voice my opposition to the repeal and replacement of the Affordable Care Act.

I will be the first to admit that ObamaCare has its flaws, but we should mend the law, not end the law. Because of the ACA, we have seen the uninsured rate in Nevada and in my district reduced by half.

The GOP replacement would not only drop 15 million Americans from their insurance and raise healthcare costs on hardworking Nevada families, but it would end funding for Planned Parenthood, taking away affordable healthcare services that so many women in my district rely on.

Recently I received a letter from a constituent whose family has a history of breast cancer. She is so concerned that she and her daughter will stop receiving the regular cancer screenings that they need to survive.

Mr. Speaker, it is unconscionable for us to vote on a bill that would create a life-or-death situation for millions of Americans across the country.

□ 1215

MEDICAID EXPANSION

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

Mr. KIHUEN. Mr. Speaker, I have a new name for the process Republicans are using to destroy the Affordable Care Act. Instead of repeal and replace, how about we name it ''we cut and gut''? Cut taxes for millionaires and billionaires, and gut coverage for hardworking Americans.

The bill would also undermine the Medicaid expansion in the Affordable Care Act. In Nevada, our own Governor Brian Sandoval, a Republican, made the decision to work with Democrats and expand the Medicaid program. Because we expanded Medicaid, 320,000 Nevadans now have health coverage, and Nevada's uninsured rate has dropped from 23 percent to 12 percent, one of the largest declines in the entire country.

So, Mr. Speaker, I would ask my Republican colleagues: Do you really want to turn your backs on hardworking families just to give billionaires a tax cut that they don't need or deserve?

Mr. Speaker, the silence is deafening.

THERE ARE RADICAL ISLAMISTS WHO WANT TO DESTROY OUR WAY OF LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, it is the end of another week in session.

Mr. Speaker, I want to revisit an important issue. It seems that what some of us were trying to point out for 8 years under the Obama administration fell on deaf ears, that there really are radical Islamists who want to destroy our way of life in the United States, who look at us as infidels, and not just Christians, Jews, secularists, and others, but even Muslims who do not adapt and accept the radical Islamic ways.

That works to the advantage of some because we have seen for 8 years CAIR, Muslim Brotherhood-affiliated groups, groups that were listed as co-conspirators in the Holy Land Foundation trial

back in 2008, where the named defendants were convicted of many counts, and they were supporting terrorism. They have ties all over the United States and they have ties to people who constantly had access to President Obama's White House, the State Department, and so many other areas.

We saw time and time again the Obama administration looking the other way as serious matters arose involving radical Islamists, both in the United States and abroad. The Obama administration's approach was: If we can just teach these racist, bigoted, Americans to love all Islamists. Because they wouldn't point out that some are radicals, as my Muslim friends don't hesitate to point out.

But this administration didn't want to point out that there are radical Islamists, that they are part of Islam, that many of them are experts in Islam, like Baghdadi, who heads up the Islamic State. He has a Ph.D. in Islamic studies, so it is kind of difficult to say that he has nothing to do with Islam when that is the basis for everything he said and did.

If one goes and looks at the pleading that the judge declassified from 2008 of testimony given by Khalid Sheikh Mohammed in a court at Guantanamo Bay, he makes very clear that he is not insane, that he is very lucid. He files a very impressive document explaining himself.

For everything that he said, for example, about the need to kill Christians and Jews, he had a direct quote, not from the Koran. Like where often Members of Congress, if you bring something up on the floor about Islam or the Koran, then it is amazing. It hasn't happened in a while, but Members who bring something like that up, they frequently find themselves being presented a Koran. Somebody drops off a Koran.

But, as an expert in the field pointed out to me when I showed him the Koran that was dropped off at my House, he says, that is a Koran, it is not a Holy Koran; because what they have done is they have taken what they call the Holy Koran and they have eliminated the verses that support terrorism and the killing of Jews and Christians. So if you read from cover to cover this Koran, you don't see any of the verses that the most radical Islamists rely on for their killing, their beheading, their betraying, their lies. And it is okay, they believe, to lie if it ends up supporting the cause of their radical beliefs about Islam.

One of the reasons that I contend with so many others here that Egypt ought to be one of our dearest friends is because they have an elected president. Yes, he was a former general, like Eisenhower, like George Washington, like Andrew Jackson, like so many who had been generals before they became President. They understand warfare.

But the radical Islamists in the United States, so many of them, Muslim Brotherhood-related groups, they pointed out time and again: Look, we know we are going to have to get to violence at some point. But for now, we are making so much progress in taking over the United States without using violence that right now violence distracts from what we are trying to do.

Some of us continue to point out that what the Obama administration constantly used as their fight against, not radical Islam—they couldn't say that like President Trump does—but they would say against violent extremism: We have got to spend millions and millions, and hundreds of millions of dollars fighting violent extremism.

They believed what the often Muslim Brotherhood-affiliated individuals would say: Yes, if we spend that money teaching people to love and accept Islam, then the problem goes away and there is no more violence.

Which is, in and of itself, a complete lie.

So the Obama administration has been spending money on things. I am told by someone who was looking at the ways that the Obama administration spent hard-earned taxpayer dollars paid to the government, and then the Obama administration would turn around and spend it. I am told by someone in Homeland Security—I haven't seen it—but they even had a project spending taxpayer dollars to fight radical Islam by teaching schoolchildren pro-Islamic songs to sing. It is one of the reasons I am so glad we have had a change of President.

I know that there are so many people across the aisle, not necessarily people here in this body, but across the country, who keep saying: Oh, there is so much prejudice against Muslims, and that is the whole problem. If we can eliminate the prejudice against Islam, against Muslims, there will be no more violence.

There are those that are in this body here who have gone so far to show how open-minded they are and how much they embrace the ideals of Islam, and are in no way bigoted, that they have exposed this body to criminals, to hacking; and who knows just how far the security breaches go.

Mr. Speaker, we brought this up, but it is important to take note that this body—there were no Republicans that hired them, but Imran Awan seemed to be the ring leader, Abid Awan, Jamal Awan, Hina Alvi, Natalia Sova, each making $160,000-plus from the House of Representatives. The Awan brothers are of Pakistani descent. I am told the leader is now back in Pakistan while they are being investigated, but their immigration status appears unclear right now. They had been hired as IT specialists, computer specialists, to help some of my Democratic friends with their computer systems. And as suspicious activity continued to mount over the last 12 years, it was dismissed.

And I am reading from an article that Luke Rosiak, March 8, from The Daily Caller wrote.

□ 1230

I'm reading from an article that Luke Rosiak, March 8, of the Daily Caller wrote:

> It was dismissed because these five individuals were being unfairly picked on because they are Muslim.

Well, some of us don't care what their religious beliefs are unless their religious beliefs happen to cause them to believe that our Constitution needed to be eliminated and replaced by nothing but sharia law, and our elected leaders needed to be replaced by what they believe is a holy appointment of a caliph or an imam.

This article from March 8 says that congressional staffers suspected of improperly accessing sensitive data allegedly controlled their stepmother with violent threats in a plan to use her to access assets stored in the Middle East in their father's name.

So just when we thought this whole matter could not get any more bizarre, these five, according to one of their employers here in this House, he says—and I have no reason to doubt him—that they are Muslim. But I know my friends. They don't want to ever be perceived as being bigoted because they are not. But they have gone so far overboard in trying to show how open-minded they are, they have exposed this body to security breaches that are really unbelievable.

I understand from my friend, DEVIN NUNES, that these individuals were not, best they can tell, ever given access to the classified material in the separate classified system that the intel community has.

Talking about running the Democratic House Members' computer networks, this article says: ''Days before U.S. Capitol Police told House Members three Pakistani brothers who ran their computer networks may have stolen congressional data, their stepmother called Fairfax County, Virginia, police to say the Democratic staffers were keeping her from her husband's deathbed.''

A relative described her situation as being kept in captivity by the brothers for months while they schemed to take their father's life insurance.

The brothers, as IT professionals—computer experts—for Congress, could read House Members' emails and also had full access to their calendars: who they were meeting with and where they were meeting.

Anyway, the article says they ''allegedly used wiretapping devices on their own stepmother and threatened to abduct loved ones in Pakistan if she didn't give them access to money stowed away in that country.

''On February 2, House officials banned Imran, Abid, and Jamal Awan from the House of Representatives network as part of a Capitol Police criminal investigation into House computer security.''

But longtime employers, including—and it has been in the news—our friend, Congresswoman DEBBIE WASSERMAN

SCHULTZ, and others are named have stood by these suspected criminals. But they did say they had access to their data.

They say we have ''seen no evidence that they were doing anything that was nefarious' like steal or hack, and were being unfairly picked on for being Muslim.

''But a Fairfax police report obtained by The Daily Caller News Foundation Investigative Group says that separately from that investigation, on Thursday, on January 5 at 2 p.m., 'Samani Galani called police after her stepchildren were denying her access to her husband of 8 years, Muhammad Shah, who is currently hospitalized,' and police responded to the Springfield home she shared with him.

''I made contact with her stepson, Abid, who responded to location and was obviously upset with the situation. He stated he has full power of attorney over his father and produced an unsigned, undated document as proof,' officers wrote.''

Then the officer said: ''He refused to disclose his father's location.''

So he didn't even have a signed power of attorney yet continued to assert—and, again, this is someone who is given access to the privileged computer material of people here on Capitol Hill. I am told by other IT professionals that do work here that, if you know what you are doing and you have access to even one Congress Member's computer, which means their calendar, their emails, and notes taken and stored on the computer about meetings, then it is very easy—you are good—to access virtually anybody else's information here in Congress.

I was told some time back by one of my friends in Intelligence that at one time there was concern about positions I had taken like in support of Egypt against the Muslim Brotherhood and that there were those who were monitoring people that came to my office. I was told that they know everybody that walks into your office.

So when you see these kinds of reports, Mr. Speaker, it is a little disconcerting. It is disconcerting that people are not more concerned here in this body about the potential for the kind of breach that is being stated here.

Anyway the article goes on: ''The father died days later, with his children denying him a final moment with his loved one, and the body was taken to Pakistan, where there were significant assets in their father's name. Galani was shocked to learn that his death certificate''—that of her husband—''listed him as divorced, according to a relative of Galani's. The relative spoke only on condition of anonymity.

'''They kept their stepmother in sort of illegal captivity from October 16, 2016, to February 2,' the relative said, telling her they were in charge of her life and said she was not allowed to speak to anyone. The fact that she did not speak English made it easy for them to take advantage of her.

''As Shah laid hospitalized, 'they would not let the father communicate with the wife, they would say he'd be meeting her when they said so.'

''The brothers bugged her house with hidden listening devices and told her 'her movements were under constant surveillance and conversations within the house and over the telephone were being listened to. They would repeat what she had told people to prove that they were really listening.'

''This happened in the United States of America, can you believe it?' the relative asked.

''Galani obtained a secret cellphone and stood in the yard to communicate with relatives, who encouraged her to call the police. . . .

''After she did, Abid 'threatened her very severely, made her fearful, they told her they are going to abduct or kidnap her family back in Pakistan, and she had to apologize.'''

Imran is the individual who had done computer work here for so many of our Democratic friends here in the House.

''Imran then tried 'to manipulate her. She said to him, ''if you say you are my son, then why are you keeping my phone conversations listened to?'' So he said he would remove the devices. He came into the house and she saw him remove a couple,' including under the kitchen counter.''

So it is interesting. We have these guys who Members of Congress said: They don't need a background check. We can trust them. We are open-minded. They are Muslims, but we are not prejudiced. We don't even require a background check because we know we can trust them.

Mr. Speaker, we don't know what they did here in the House, but in their stepmother's house they planted listening devices. Apparently, they knew where to get them, and they knew how to use them in the home. It still leads one to wonder: What all did they do during the 12 years they were working on computer systems here on Capitol Hill?

Still, we know the allegations have been talked about at length in the media about the hacking of the Democratic National Committee, but I keep asking: Are these the guys that set up the Democratic National Committee's computers, guys that are good at planting listening devices and who are good at setting up cameras to monitor movement and what is going on? Did these guys help the Democratic National Committee set up their system without any background checks? Are these the guys that made it so vulnerable to being hacked by Russians or most anyone else who cared to try?

''Galani learned from a life insurance executive that 'a few days before the father's death, the beneficiary was changed and Abid became the beneficiary,' the relative said. On top of that, the Springfield house where she lived would go to Abid.

''Galani fled from the brothers and has filed a second police complaint with Fairfax County over insurance fraud and other abuses.

''Abid did not return a request for comment from'' the Daily Caller.

It also pointed out that, after Mr. Shah passed away, these people that were doing computer work for Members of Congress without background checks came into her house. She said that whatever documents were there they stole, along with a couple of laptops that were their father's property, and they left for Pakistan.

Now, I heard somebody that should have known that the ringleader here that headed up the computer company that serviced so many of the—well, this article talks about a handful of Democrats, but I have been hearing that at one time, over the years, over the last 12 years, they may have serviced as many as 80 different Democratic Members of Congress' computers.

But the relatives are coming forward now, according to the article, because Members of Congress have attempted to downplay the brothers' potential crimes and have limited the investigation to just the Capitol Police, who lack the ability to investigate cyber breaches and international crimes, and despite naming the brothers as suspects, have not even arrested them. This is, apparently, a Muslim woman who says that she is fighting to protect the country—talking about the United States—these are very bad people.

This kind of reminds one of the father who came forward to point out that his son had become radicalized and was a terrorist threat because, under the Obama administration, they purged the training documents so FBI agents, State Department officials, and intelligence officials would not know what to look for to spot radical Islamists.

We know most Muslims are not terrorists. They are not radicalized. Most are loving people and want to live in peace. That includes friends of mine who have lived all their lives in Afghanistan and were glad to fight against the Taliban in Afghanistan because they didn't want radical Islam. They are Muslim. They didn't want radical Islamists running the country.

□ 1245

Radical Islamists hate moderate Muslims as much as they do Christians and Jews.

So, this lady says she is trying to protect our country because Members are not realizing how exposed Congress has been. As she says—she is the stepmother: These are very bad people.

Politico reported that Imran and his wife, Hina Alvi, are personal friends with the former DNC chair, Ms. WASSERMAN SCHULTZ, when she was subject to an email hack that was blamed on the Russians.

This article is dated March 8. Apparently, Imran still hasn't been fired, even though he was banned from the House network, but that has been circumvented by having him serving as an adviser.

Well, Imran began working for her in 2005, the article says, and soon after, his two brothers and two of their wives all appeared on the congressional payroll, collecting more than $4 million. That is over this period of time, of course.

The brothers had numerous additional sources of income, all of which seemed to disappear. While they were supposedly working for the House, the brothers were running a car dealership full time that didn't pay its vendors. After one Rao Abbas threatened to sue them, he began receiving a paycheck from another Democratic member of the House of Representatives, also from Florida.

While they were working for House Members—and it should be pointed out, not any Republican Members—they were working for House Members, including members of the Homeland Security and Foreign Affairs Committees—the dealership took and never repaid a $100,000 loan from Dr. Ali Al-Attar, who is a fugitive from U.S. authorities and is linked to Hezbollah.

This is perfectly consistent with what was going on for 8 years under President Obama. You had Imam Majid, who had been president of an organization that was listed as a coconspirator.

So, whatever happened to all of those coconspirators named by the U.S. Department of Justice?

Well, I understood from a former member of DOJ under the Bush administration that they took this first case, and if they were successful in getting convictions, then they would turn around and go after the other coconspirators.

But the interesting thing that happened immediately after that conviction in late 2008, we had a new President, and Eric Holder became Attorney General. Eric Holder had no interest in prosecuting the named coconspirators of those convicted of supporting terrorism.

So, we spent 8 years with the Obama administration listening to people who identified not just being part of, but leading coconspirator groups and supporting terrorism.

Of course, he was an American citizen by birth. His parents were both from Yemen. They came here on visas. He was born. They went back and trained him to hate America, as I first pointed out, had been occurring 7 years ago, after a friend in an international setting advised me that this person knew of radical Islamic leaders who sent their wives to the United States to have babies so they can bring them back, teach them to hate America, and they would be American citizens. They could come in and out at will.

I know CNN refused to do a proper investigation. They like name calling better than doing proper investigations.

Our Nation is threatened by people that hate us. Different countries had what many referred to as birth right travel programs.

China was bragging that they had the best birth right travel programs. You pay money to this travel group, they would get you a visa to come to the United States. Of course, you would want to come during the third trimester of pregnancy so you can have a child in the United States.

Then, some of them would advise: We will even help you make sure your child has an American passport before he or she leaves the U.S. so that your child can never be denied entrance, whether it is for college, for work, for whatever, they can come in and out as they pleased.

That is how a man named Anwar al-Awlaki, an American citizen, helped the Clinton administration, helped the Bush administration.

I had someone who was working at one time for the administration advise me that the Obama administration was really upset because they thought Anwar al-Awlaki was helping them as kind of a double or maybe triple agent. When they found out that he was not actually helping the United States, he was still helping radicalize individuals, was behind some of the radicalization of people that went on to kill Americans in the United States.

With all of those ties, in fact, there are photographs of him leading right here in this building in which I stand, Mr. Speaker, Friday prayers with Muslim staffers here on Capitol Hill; leading those prayers.

President Obama thinks that with all his ties to people in his administration, to people on Capitol Hill, this guy, an American citizen, free to come in and go as he wishes, was so dangerous, we could not possibly allow him to come back and have a trial where he could testify about all his connections to people in the Obama administration, or Bush or Clinton administration. This guy is so dangerous, we better blow him up in Yemen; silence him forever. We don't want to give this guy a trial. Silence him forever—the first American citizen to be ordered killed by a President without a trial, with a drone strike. That was Anwar Al-Awlaki. There are so many others.

A Muslim brother, the former President of Egypt who was ordered removed by the largest gathering of peaceable demonstrators in the history of the world, these were incredible Egyptian people—Muslims, Christians, Jews, secularists—all joined together to demand the removal of this corrupt, evil Morsi.

Even though we did have Senator MCCAIN fly over there and demand the Egyptians release this Muslim brother and put him back in charge, he was on his way to becoming what Chavez was to Venezuela, he was about to be to Egypt.

So it wasn't just Democrats that were fooled. But thank God—I do thank God—that the Egyptian people would not have it. Morsi claimed to have had 13 million or so votes, but the Egyptians tell me, when I have been over there visiting with friends, that they knew there was a lot of fraud and that he probably did not get elected with a majority of the votes. But the Muslim Brotherhood made clear to his opponents and those who wanted him removed: If you try to remove Morsi, we will burn this country down.

When Morsi was removed, the Muslim Brotherhood tried to do that. They burned many churches—dozens of them—attacked synagogues, and then they tried to blame this on the army and others in Egypt, but it was very clear it was the Muslim Brotherhood carrying out their threat that, if you remove the Muslim brother leader Morsi from Presidency before he took all control, all while he was taking his commands from an imam, a religious, holy, radicalized Islam. I am told they had him on video taking orders from such an imam.

Well, he didn't get back into power, and they recognized the Muslim Brotherhood as a terrorist group.

My friend, TED CRUZ, has filed a bill with many cosponsors, as I understand, and we filed one here in the House, to recognize the Muslim Brotherhood as the terrorist organization that it is.

I know that replacing ObamaCare as a system for taking care of people's health is a priority for so many of us, but we have got to multitask and not lose sight of the fact that we are still under the threat of radical Islam. They still want to kill us. They still want to eliminate our way of life here in the United States.

So, while we are, hopefully, about to create a better healthcare system in the United States, we have got to make sure the United States is protected. And for those who are so open-minded that they want to make sure that no Muslim ever suspects them of being prejudiced, they would allow people to get into our computer system constantly, without a background check, we are being put at risk.

We were put at risk when the Obama administration listened to CAIR, the Council on American-Islamic Relations, the group you hear from immediately after there is a terrorist attack, basically challenging people: How dare you say this was a Muslim. Well, it was a radical Islamic. Oh, so you are an Islamophobe.

I kept hearing from people inside homeland security that we were spending more time and effort training our officers to spot Islamophobes than we were training them to understand radical Islam. But that is exactly why Tsarnaev was never stopped, was never picked up and prevented from killing and maiming people in Boston.

The FBI agents, doing the best that they could, being deprived of Kim Jensen's 700-plus pages of radical Islam that the Obama administration did not want FBI trainees to see and to know.

They finally brought it back toward the end, but most FBI trainees never got any training on what radical Islam looks like. They never knew what questions to ask. They never knew what

questions to ask at a mosque. And yes, if somebody is suspected of being a radical Islamist, you should go to the mosque and talk to their friends, find out how they were acting, find out what their new religious practices were. There are people that understood and have studied radical Islam. They knew. Kim Jensen knew.

□ 1300

So I am very hopeful that people like Kim Jensen will be given free rein to once again fully train our Justice Department officials, people like Phil Haney. I am hopeful and prayerful that Phil, after he had so much information that was deleted under Secretary Napolitano establishing ties to terrorism—they wanted them deleted because many of them had ties with the White House and it would make the White House look bad.

But when Secretary Napolitano talked about, Yeah, we get pinged and then we connect the dots, well, she oversaw the elimination of dots, she oversaw the elimination of the ability to ping, as she said, and she exposed our country to dangers that were completely unnecessary if proper training had been given to our people in the Justice Department, in our Homeland Security Department, in our intelligence agencies and groups.

It really is clear from what has been going on. I have only been here under two Presidents—President George W. Bush, President Obama—and now the third, President Trump. But under the first two administrations that I served with, we were told repeatedly that use of the section 215 program or the 702 program that allows wiretapping of foreign agents, we were assured that if an American citizen were picked up, nobody knows the name, it is immediately masked, the conversation is minimized, so you don't have access to that.

We were told a lot of things that turned out to be lies. And it does appear that Snowden was guilty of treason from what we have seen. He should be tried and, if convicted, punished severely. But I sure learned a lot from what got released. I learned that we were lied to during the Obama years about what was or wasn't being done in surveilling American citizens, and at least the last part of the Bush administration. It could be the Presidents didn't know. But somebody knew. If we do not, in this body, give President Trump the ability to do what he became famous for—and that is say ''You're fired''—then this country is not going to get back on a sound basis. There will continue to be people who will monitor others illegally, improperly, unconstitutionally, and use that information to get rid of leaders who don't play ball with them. That is dangerous.

We hear of foreign intelligence people who are corrupt spy on their own people, and they are impressed with what was going on under the Obama administration and feel like that was a dream come true for anyone in intelligence, to be able to monitor the people of a country, like has been going on. I mean, it has got to be cleaned up or we lose our freedoms. Once you have the ability to reach in to people's private lives, that completely—you don't even have to have a case. You can destroy their lives.

A good example was Senator Ted Stevens of Alaska. Somebody should have gone to prison for what happened to that man. As a former prosecutor, judge, and chief justice—I prosecuted people as a prosecutor, I sentenced people who were convicted when I was a judge, I ruled on convictions when I was a Chief Justice—I had to make sure due process was followed and the people got a fair trial, evidence was not obtained illegally. But in Ted Stevens' case, I know when I read that he had had this addition—I can't remember now; I am going strictly off recollection, but like 700,000 or so improvements to his home, and I thought, oh, come on, you have got to know, Senator, you can't have that kind of improvement free to your home. You can't do that.

But they came in with search warrants, took all of his documentation. They got all of his bank records, they got all of his computers, his flash drives, anything that had memory on it. They took all of his documentation. The man could not defend himself. He had, as it turns out, proof that he overpaid, maybe by half a million dollars, and that the prosecutor had material—a note, as I recall—from the contractor saying something like: Look, you are overpaying me.

Senator Stevens said: Yeah, I have got to overpay you because they will look closely at everything I do. I guess I am overpaying you, but I want the addition, and I have got to do this so I never get in trouble. Don't even cause the least suspicion. I have got to overpay you, so just take the overpayment.

He didn't have those documents, and he was not allowed to testify about documents that were not producible. He couldn't produce them because the prosecutors or the FBI, somebody kept those and refused to turn them over, which is a violation of the law, and it is a crime to unfairly prosecute somebody when you know they have evidence to prove they are innocent.

You don't even give it back to him so he can use it and show the truth?

Thank God there was a whistleblower who finally exposed—if I recall correctly, I believe it was an FBI agent. The judge hit the roof, of course. Any judge. I would have. You deceived us? You caused this prosecution, had the trial right before the election so he would lose? You changed the election?

You talk about the Russians, for heaven's sake. That was an intentional invasion, and it wasn't by Russians. It was by Americans. They ran that Republican Senator out of his office, basically destroyed his life. If he had been in the Senate, he wouldn't have been in that airplane when it went down.

But that is what a corrupt government can do. They can come after anybody. We have got to clean out the Federal Government of people who have become dizzy with their power. I always thought it interesting, one of the most powerful dictators in history responsible for killing, starving millions of people, Stalin, one of his quotes was: With power, dizziness.

We have got a lot of dizzy people working in the Federal Government. Thank God that there are not more of those than there are people who love America, who really do keep their oath to the Constitution. But it has become very dangerous, and we have got to get to the bottom of this.

I have had people say: Louie, aren't you worried? I mean, you are talking about people who can destroy a Senator, can destroy all kinds of people. Aren't you worried they will come after you, try to destroy you the same way?

I am more concerned about my country. We have got to salvage this country's freedoms from the brink that it came to under the Obama administration

Then we have a report, March 6, Paul Bedard, Washington Examiner: 300 Refugees Probed As Terrorists.

''In a bid to bolster President Trump's new executive order suspending travelers from six nations into the U.S., federal law enforcement officials revealed that they are investigating 300 refugees for terrorist ties.

''While U.S. officials would not provide details on the FBI investigations, they did say that they are refugees 'who either infiltrated with hostile intent or radicalized' since coming into the United States.''

So these investigations are ongoing. I heard yet again this week a number of times, some of my friends across the aisle would say: Look, these refugees are not a problem. They are vetted for 2 years. We don't have to worry about them.

Yes, we do. We have already seen people who came in as refugees, people who were granted asylum. A couple of them, I believe it was Tennessee or Kentucky where they got asylum. They had not bothered to check or notice that their fingerprints were on IEDs that were set up to kill Americans.

So this 2-year vetting, oh, no, no, it is a long, tedious process to make sure they are okay. Well, I found out this week from an official with Homeland Security who said he wanted to know just how thorough the 2-year investigation and vetting was by the U.N. because he knew Homeland Security didn't do 2 years of vetting on these refugees. And, of course, the judges—who don't know ''sic 'em'' from ''come here''—out in the 9th Circuit think they have the right under the Constitution to be dictators, and for them, without proper knowledge of what is and isn't a threat to this country, to

just dismiss orders that the President had the authority to make and just say, oh, they are unconstitutional, even though from their own statements they proved their own ignorance.

So we have got refugees coming in. Thank God somebody at the Homeland Security Department wanted to get to the bottom of exactly what occurs during the 2 years that the United Nations refugee program does in vetting people. So he went straight to the person in charge of the refugee program at that time. He said: I would like to get a description of the processes of vetting that refugees go through from these countries they allege they are coming from. What all does the U.N. do to vet these refugees?

And the answer came back: Well, actually, we don't do any vetting of the refugees. It is a long 2-year process most of the time, as we are trying to convince countries to take these people. We are not spending any of that time looking into their background. The 2 years is what it usually takes to get a country to accept them, figure out where they are going to go. No, somebody else must do that. We don't worry about that. We are just trying to find a place for them.

Mr. Speaker, the next time you hear somebody say, Oh, no, this is a very thorough 2-year process of vetting these refugees of making sure they are not a threat, then I hope it will come to your mind that a representative of the U.N. talking to one of our top Homeland Security people—and I am not going to give his name, but he was told: We don't do any vetting. We are just trying to find a place to put them. When we find somebody who will take them, we feel like we have done a great thing.

Well, maybe, if they are not terrorists.

□ 1315

But we have seen the data that indicates that for the amount of money it costs to bring a refugee from the Middle East to the United States and take care of them for a year, what happens to the money actually spent, you could take care of 12 refugees if they were kept in the area and provided a safe area. That is what the Obama administration should have done. Instead of drawing red lines that it couldn't find after it drew them, the Obama administration should have said: We are going to participate in creating a safe area, provide flyover and provide people there. We are going to provide a safe area for refugees to come to until the war is over and people can return to their homes.

Rather than create a system that will allow our enemies, the Islamic State and others, to do as they promised us they have been doing and will continue to do, and that is putting their terrorists in amongst the refugees, instead of doing that, putting our country at risk, let's let them stay near to their home, provide them safety, help provide them with what they need. Because when the greatest country, strongest country, most charitable country in the history of the world becomes so self-righteous that they feel like they don't need to do vetting, when they become so taken with appearing to be open-minded that they don't even protect themselves by doing what used to be called due diligence and checking on people to make sure they are not a threat to others around them, instead of doing that, we show irresponsibility when it comes to protecting America as when you are at risk of losing the country.

But Americans, by a huge majority of electors, electoral college, elected President Trump. They wanted a change. When you look at a map that shows all of the counties that voted for President Trump and those that voted for Hillary Clinton, you see that our friends across the aisle, part of a party that has really become a fringe party, has the fringes of the country. But the massive interior—most, except for some big cities here and there—is people that want to preserve and protect the most blessed place to raise a family that there has ever been.

I am sure Solomon's Israel was apparently an amazing place, but the people didn't have our freedoms. But we are in danger of losing them when we become so cocky that we think we don't have to check on people to make sure they are not a threat. That actually is a form of bias. They are so afraid that people might say that you are closed-minded that they don't even do a background check, but they would for someone who is not Muslim, then that is a form of bias.

We have got to use commonsense, we have got to protect America, or we will be cursed when we are gone and our children see what we have done.

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

APPOINTMENT OF MEMBERS TO THE UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 36 U.S.C. 2302, and the order of the House of January 3, 2017, of the following Members on the part of the House to the United States Holocaust Memorial Council:

Mr. DEUTCH, Florida

Mr. SCHNEIDER, Illinois

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. MCCARTHY) for today on account of personal reasons.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Tuesday, March 14, 2017, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

763. A letter from the Acting Secretary, Army, Department of Defense, transmitting a letter indicating that one active Army military musical unit accepted services valued at $9,160, pursuant to 10 U.S.C. 974(d)(3); Public Law 110-181, Sec. 590(a)(1) (as amended by Public Law 113-66, Sec. 351); (127 Stat. 742); to the Committee on Armed Services.

764. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final NUREG — Operator Licensing Examination Standards for Power Reactors (NUREG-1021, Rev. 11) received March 6, 2017, 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.

765. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to significant malicious cyber-enabled activities that was declared in Executive Order 13694 of April 1, 2015, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

766. A letter from the Secretary, Department of the Treasury, transmitting a semi-annual report detailing telecommunications-related payments made to Cuba pursuant to Department of the Treasury licenses during the period from July 1 through December 31, 2016, pursuant to 22 U.S.C. 6004(e)(6); Public Law 102-484, Sec. 1705(e)(6) (as amended by Public Law 104-114, Sec. 102)(g)); (110 Stat. 794); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOULTIONS

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. ROE of Tennessee: Committee on Veterans' Affairs. H.R. 1181. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes (Rept. 115–33). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROE of Tennessee: Committee on Veterans' Affairs. H.R. 1259. A bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes (Rept. 115–34 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROE of Tennessee: Committee on Veterans' Affairs. H.R. 1367. A bill to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes (Rept. 115–35 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 1259 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 1367 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LAMALFA:

H.R. 1491. A bill to reaffirm the action of the Secretary of the Interior to take land into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians, and for other purposes; to the Committee on Natural Resources.

By Mr. SESSIONS:

H.R. 1492. A bill to amend the Controlled Substances Act to direct the Attorney General to register practitioners to transport controlled substances to States in which the practitioner is not registered under the Act for the purpose of administering the substances (under applicable State law) at locations other than principal places of business or professional practice; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM:

H.R. 1493. A bill to amend the Americans with Disabilities Act of 1990 to impose notice and a compliance opportunity to be provided before commencement of a private civil action; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. DEUTCH, Mr. CHABOT, Mr. GAETZ, Mr. FRANKS of Arizona, Mr. MARINO, Mr. RASKIN, Mr. JEFFRIES, Mr. FARENTHOLD, Mr. TED LIEU of California, Mr. NADLER, Mr. COHEN, and Mr. SWALWELL of California):

H.R. 1494. A bill to revise section 48 of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mrs. LOVE (for herself, Mr. DEUTCH, Mr. HILL, Mr. CURBELO of Florida, Mr. PEARCE, Mr. CHAFFETZ, Mr. YODER, Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Mr. ROUZER, Mr. GARAMENDI, Ms. SHEA-PORTER, Mr. KING of New York, and Mr. ZELDIN):

H.R. 1495. A bill to amend title 38, United States Code, to adjust the effective date of certain reductions and discontinuances of dependency and indemnity compensation under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. BASS (for herself, Ms. ROYBAL-ALLARD, Ms. LEE, Ms. PLASKETT, Mrs. NAPOLITANO, Mr. CONYERS, Mr. COHEN, Ms. WILSON of Florida, Ms. MOORE, Mr. EVANS, Mr. SWALWELL of California, Mr. NADLER, Mr. COSTA, Ms. BROWNLEY of California, Mr. TAKANO, and Mrs. DINGELL):

H.R. 1496. A bill to designate the facility of the United States Postal Service located at 4040 West Washington Boulevard in Los Angeles, California, as the ''Marvin Gaye Post Office''; to the Committee on Oversight and Government Reform.

By Ms. CLARKE of New York (for herself, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. MCCOLLUM, Mr. HASTINGS, Mr. MCGOVERN, Mr. VEASEY, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BASS, Mr. RICHMOND, Mr. CARSON of Indiana, Ms. JACKSON LEE, Mrs. WATSON COLEMAN, Mr. EVANS, Mr. AL GREEN of Texas, Mr. MEEKS, Ms. VELÁZQUEZ, Mr. SOTO, and Ms. KELLY of Illinois):

H.R. 1497. A bill to require all deportation officers of U.S. Immigrations and Customs Enforcement to wear body cameras when engaged in field operations and removal proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Ms. BASS, Mrs. BEATTY, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. COHEN, Mrs. WATSON COLEMAN, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTCH, Mrs. DINGELL, Mr. EVANS, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILMER, Mrs. LAWRENCE, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Mr. PETERS, Mr. RASKIN, Mr. RICHMOND, Mr. RUSH, Mr. SARBANES, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SEWELL of Alabama, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SWALWELL of California, Mr. THOMPSON of Mississippi, Mr. VEASEY, Ms. WILSON of Florida, Ms. VELÁZQUEZ, Ms. MAXINE WATERS of California, and Ms. CLARKE of New York):

H.R. 1498. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. COURTNEY (for himself and Mr. WOODALL):

H.R. 1499. A bill to provide penalties for countries that systematically and unreasonably refuse or delay repatriation of certain nationals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. THOMAS J. ROONEY of Florida, Mr. SMITH of New Jersey, Mr. KING of New York, Mr. ENGEL, Mr. NEAL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. BRENDAN F. BOYLE of Pennsylvania, Miss RICE of New York, and Mr. MCGOVERN):

H.R. 1500. A bill to redesignate the small triangular property located in Washington, DC, and designated by the National Park Service as reservation 302 as ''Robert Emmet Park'', and for other purposes; to the Committee on Natural Resources.

By Mr. RODNEY DAVIS of Illinois (for himself, Ms. ESTY, Mr. PALAZZO, and Mr. PANETTA):

H.R. 1501. A bill to amend title 49, United States Code, with respect to apportionments to small transit intensive cities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KING of Iowa (for himself and Mr. GOHMERT):

H.R. 1502. A bill to terminate the EB-5 program; to the Committee on the Judiciary.

By Ms. LOFGREN (for herself, Ms. ADAMS, Mr. AGUILAR, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Mr. CICILLINE, Ms. JUDY CHU of California, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY, Mr. CONYERS, Mr. COOPER, Mr. CORREA, Mr. COURTNEY, Mr. CRIST, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Ms. DELBENE, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. ESPAILLAT, Ms. ESTY, Mr. EVANS, Mr. FOSTER, Ms. FRANKEL of Florida, Ms. FUDGE, Ms. GABBARD, Mr. GALLEGO, Mr. AL GREEN of Texas, Mr. GONZALEZ of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HASTINGS, Mr. HECK, Mr. HIGGINS of New York, Mr. HIMES, Mr. HOYER, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KIHUEN, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. KRISHNAMOORTHI, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. TED LIEU of California, Mr. LOWENTHAL, Mrs. LOWEY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MOORE, Mr. MOULTON, Mrs. MURPHY of Florida, Mr. NADLER, Mrs. NAPOLITANO, Mr. NOLAN, Mr. NORCROSS, Ms. NORTON, Mr. O'ROURKE, Mr. PANETTA, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PERLMUTTER, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Mr. RICHMOND, Miss RICE of New York, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SABLAN, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHRADER, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Mr. TONKO, Mrs. TORRES, Ms. TSONGAS, Mr. VARGAS, Mr. VEASEY, Mr. VELA, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms.

WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILSON of Florida, and Mr. YARMUTH):

H.R. 1503. A bill to provide that the Executive Order entitled ''Protecting the Nation from Foreign Terrorist Entry into the United States'' (March 6, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Homeland Security, and 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. SEAN PATRICK MALONEY of New York (for himself and Mr. ENGEL):

H.R. 1504. A bill to amend the Act popularly known as the Rivers and Harbors Appropriation Act of 1915 to prohibit the establishment of certain anchorage grounds within five miles of a nuclear power plant, a location on the national register of historic places, a superfund site, or critical habitat of an endangered species, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. O'ROURKE (for himself and Mr. ABRAHAM):

H.R. 1505. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the maximum market pay of physicians and dentists in the Veterans Health Administration who work in health professional shortage areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'ROURKE (for himself, Mr. BOST, Ms. JUDY CHU of California, and Ms. KUSTER of New Hampshire):

H.R. 1506. A bill to amend title 38, United States Code, to increase the maximum amount of education debt reduction available for health care professionals employed by the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'ROURKE (for himself, Ms. BROWNLEY of California, Mr. GENE GREEN of Texas, Ms. KUSTER of New Hampshire, Mr. RICE of South Carolina, Ms. SINEMA, Ms. TITUS, Mr. WALZ, Mr. RUIZ, Mrs. WALORSKI, Mr. SWALWELL of California, and Mr. YOHO):

H.R. 1507. A bill to direct the Secretary of Veterans Affairs to conduct annual surveys of veterans on experiences obtaining hospital care and medical services from medical facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'ROURKE (for himself, Mr. CONYERS, Ms. KUSTER of New Hampshire, Ms. STEFANIK, Ms. TITUS, and Mr. YOUNG of Alaska):

H.R. 1508. A bill to amend title 38, United States Code, to improve the recruitment of physicians in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. O'ROURKE (for himself, Mr. JONES, and Mr. KNIGHT):

H.R. 1509. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to post at certain locations the average national wait times for veterans to receive an appointment for health care at medical facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROUZER (for himself and Mr. CHAFFETZ):

H.R. 1510. A bill to provide for the elimination of the Department of Education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CHAFFETZ (for himself, Mr. BISHOP of Utah, Mr. STEWART, and Mrs. LOVE):

H.J. Res. 87. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to ''Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan; Utah; Revisions to Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze''; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. LYNCH, Mr. COHEN, Mr. LANGEVIN, Mr. WELCH, Mr. KEATING, Mr. DEFAZIO, Mr. TAKANO, Ms. PINGREE, Mr. CAPUANO, Mr. COOPER, Mr. GRIJALVA, and Mr. LOEBSACK):

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state; to the Committee on the Judiciary.

By Mr. GARAMENDI (for himself, Mr. MEEHAN, Ms. JUDY CHU of California, and Mr. VALADAO):

H. Res. 189. A resolution recognizing the historic, cultural, and religious significance of the festival of Vaisakhi, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BRAT:

H. Res. 190. A resolution recognizing the 50th anniversary of Lake of the Woods Association of Orange County, Virginia; to the Committee on Oversight and Government Reform.

By Mr. ESPAILLAT (for himself, Mr. TED LIEU of California, and Mr. LEWIS of Georgia):

H. Res. 191. A resolution opposing fake news and alternative facts; to the Committee on the Judiciary.

By Ms. JAYAPAL (for herself, Mr. CROWLEY, Ms. BARRAGÁN, Mr. BERA, Mr. BEYER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Ms. BROWNLEY of California, Mr. CARBAJAL, Mr. CARSON of Indiana, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. CONYERS, Mr. COSTA, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DOGGETT, Mr. ELLISON, Mr. EVANS, Mr. FOSTER, Mr. GARAMENDI, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HECK, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KIHUEN, Mr. KILMER, Ms. KUSTER of New Hampshire, Mr. LARSEN of Washington, Mrs. LAWRENCE, Ms. LEE, Mr. LEWIS of Georgia, Mr. TED LIEU of California, Ms. MCCOLLUM, Ms. MENG, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Ms. PINGREE, Mr. POCAN, Mr. POLIS, Mr. QUIGLEY, Mr. RASKIN, Mr. RUSH, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. TONKO, Ms. VELÁZQUEZ, and Mr. YARMUTH):

H. Res. 192. A resolution expressing the deepest sympathy and condolences to the family of Srinivas Kuchibhotla, as well as to Alok Madasani, Ian Grillot, and all victims of hate crime throughout the United States, and calling on the Department of Justice and the President to take appropriate actions; to the Committee on the Judiciary.

By Mr. KRISHNAMOORTHI (for himself, Mr. EVANS, Mr. RASKIN, Mrs. TORRES, Mr. LANGEVIN, Mr. ESPAILLAT, Mr. CICILLINE, Mr. COHEN, Mr. PAYNE, Mr. LIPINSKI, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. PERLMUTTER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ELLISON, Mr. SUOZZI, Mr. CLAY, Mr. MEEKS, Mr. SOTO, Mr. DOGGETT, Mr. YARMUTH, Ms. SÁNCHEZ, and Mr. KHANNA):

H. Res. 193. A resolution protecting health coverage for all Americans; to the Committee on Energy and Commerce.

By Mr. LATTA:

H. Res. 194. A resolution expressing the sense of the House of Representatives that any comprehensive plan to reform our national energy policy must promote American energy security and develop the abundant resources of the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LAMALFA:

H.R. 1491.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution provides Congress with the authority to regulate commerce with Indians in the United States.

By Mr. SESSIONS:

H.R. 1492.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

To regulate Commerce with foreign Nations, and among the several states, and with the Indian Tribes

By Mr. DENHAM:

H.R. 1493.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution: The Congress shall have the power to . . . make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. SMITH of Texas:

H.R. 1494.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, known as the Commerce Clause, provides Congress with the authority regulate interstate and foreign commerce.

By Mrs. LOVE:

H.R. 1495.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution

By Ms. BASS:

H.R. 1496.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 7 provides Congress with the power to establish post offices and post roads

By Ms. CLARKE of New York:

H.R. 1497.

Congress has the power to enact this legislation pursuant to the following:

the power granted to Congress under Article I of the United States Constitution and it subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CONYERS:

H.R. 1498.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Section 5 of the Fourteenth Amendment to the United States Constitution, Congress shall have the power to enact appropriate laws protecting the civil rights of all Americans.

By Mr. COURTNEY:

H.R. 1499.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CROWLEY:

H.R. 1500.

Congress has the power to enact this legislation pursuant to the following:

Article I Section VIII

By Mr. RODNEY DAVIS of Illinois:

H.R. 1501.

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 as stated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. KING of Iowa:

H.R. 1502.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 4

By Ms. LOFGREN:

H.R. 1503.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 4 provides Congress with the power to establish a ''uniform rule of Naturalization.''

AND

Article I, Section 8, clause 1 provides Congress with the power to ''lay and collect Taxes, Duties, Imposts and Excises'' in order to ''provide for the . . . general Welfare of the United States.''

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 1504.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. O'ROURKE:

H.R. 1505.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. O'ROURKE:

H.R. 1506.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. O'ROURKE:

H.R. 1507.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. O'ROURKE:

H.R. 1508.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. O'ROURKE:

H.R. 1509.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ROUZER:

H.R. 1510.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution states that ''The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department of Officer thereof.''

By Mr. CHAFFETZ:

H.J. Res. 87.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 and Article I, Section 8, clause 18

By Mr. MCGOVERN:

H.J. Res. 88.

Congress has the power to enact this legislation pursuant to the following:

Article V of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 60: Mr. ROSS.

H.R. 66: Mr. AGUILAR.

H.R. 76: Mr. BRAT.

H.R. 246: Mr. GOTTHEIMER, Mr. FITZPATRICK, and Mr. FERGUSON.

H.R. 265: Mr. HUDSON.

H.R. 299: Mrs. RADEWAGEN, Mrs. WATSON COLEMAN, Mr. COOK, Mr. JOHNSON of Georgia, and Mr. LYNCH.

H.R. 371: Mr. BERA.

H.R. 372: Mr. TIPTON.

H.R. 392: Mr. FRANKS of Arizona and Ms. BONAMICI.

H.R. 394: Mr. ROUZER.

H.R. 400: Mr. LAHOOD.

H.R. 442: Mr. LEWIS of Minnesota.

H.R. 448: Ms. LOFGREN and Mr. DELANEY.

H.R. 462: Mr. FRANCIS ROONEY of Florida and Mr. EMMER.

H.R. 476: Mr. COLE and Mrs. MURPHY of Florida.

H.R. 478: Mr. WEBER of Texas, Mr. COOK, Mr. ROHRABACHER, and Mr. DUNCAN of South Carolina.

H.R. 479: Mr. WEBER of Texas and Mr. YOHO.

H.R. 544: Mr. YOUNG of Iowa.

H.R. 553: Mr. GOODLATTE and Mr. AUSTIN SCOTT of Georgia.

H.R. 564: Mr. ROKITA.

H.R. 598: Mr. ELLISON.

H.R. 631: Mr. FERGUSON, Mr. KUSTOFF of Tennessee, Mr. GRAVES of Georgia, Mr. BOST, Mr. THOMPSON of Pennsylvania, Mrs. COMSTOCK, Mr. BACON, Mr. BARR, Mr. THOMAS J. ROONEY of Florida, Mr. ROKITA, Mr. KING of New York, Mr. MESSER, Mr. FRELINGHUYSEN, Mr. AUSTIN SCOTT of Georgia, and Mr. KING of Iowa.

H.R. 664: Mr. MEEHAN.

H.R. 676: Ms. BASS.

H.R. 721: Mr. STEWART.

H.R. 785: Mrs. COMSTOCK.

H.R. 789: Mr. FRANCIS ROONEY of Florida.

H.R. 800: Ms. MCCOLLUM.

H.R. 804: Mrs. BUSTOS, Mr. MEEKS, Ms. PLASKETT, Ms. BLUNT ROCHESTER. and Mr. YARMUTH.

H.R. 816: Mrs. MURPHY of Florida and Mr. CURBELO of Florida.

H.R. 820: Mr. KEATING, Mr. VISCLOSKY, Mr. LAHOOD, Mr. TAKANO, Mr. SCHIFF, Mr. BLUM, and Mr. MARINO.

H.R. 821: Mr. GARAMENDI.

H.R. 831: Mr. LAHOOD.

H.R. 846: Ms. PINGREE.

H.R. 848: Mr. LUCAS, Mr. FASO, Mr. LABRADOR, and Mr. MITCHELL.

H.R. 849: Ms. SINEMA.

H.R. 871: Mr. HOLLINGSWORTH.

H.R. 910: Mr. GOTTHEIMER and Mr. SHERMAN.

H.R. 911: Ms. LOFGREN, Mrs. LAWRENCE, Mr. MOULTON, Mr. BERGMAN, Ms. SHEA-PORTER, Mr. CORREA, and Ms. ROSEN.

H.R. 919: Mr. LOEBSACK and Mrs. MURPHY of Florida.

H.R. 930: Mr. O'HALLERAN, Mr. SWALWELL of California, Mrs. COMSTOCK, Mr. KILMER, Mrs. WALORSKI, Mr. KENNEDY, Mr. NUNES, Ms. HERRERA BEUTLER, Mr. SCOTT of Virginia, Mr. MOULTON, Ms. CLARK of Massachusetts, Mr. POCAN, Mr. LOEBSACK, Mr. COOPER, Mr. KELLY of Pennsylvania, Mr. PRICE of North Carolina, Mr. CARSON of Indiana, Ms. JACKSON LEE, Mr. DUNCAN of Tennessee, Mr. HENSARLING, Mr. SESSIONS, Mr. CICILLINE, Ms. MOORE, Mr. DELANEY, Mr. YODER, Mr. DEUTCH, Mr. ENGEL, Mr. SEAN PATRICK MALONEY of New York, Ms. FRANKEL of Florida, Mr. GRIFFITH, Mr. RYAN of Ohio, Mr. DAVID SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. GOHMERT, and Mr. TURNER.

H.R. 931: Mr. STEWART and Mr. HOYER.

H.R. 939: Mrs. LAWRENCE.

H.R. 968: Ms. SCHAKOWSKY.

H.R. 997: Mr. STEWART and Mr. GIBBS.

H.R. 1002: Mrs. LAWRENCE and Mr. TROTT.

H.R. 1005: Mr. KENNEDY.

H.R. 1026: Mr. HUIZENGA.

H.R. 1038: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 1076: Mr. ELLISON.

H.R. 1101: Mr. GROTHMAN, Mrs. RADEWAGEN, Mr. SMITH of Missouri, Mr. BYRNE, Mr. MESSER, Mr. DUNCAN of South Carolina, and Mr. HULTGREN.

H.R. 1134: Mr. LOWENTHAL, Mr. CARBAJAL, and Mr. DESAULNIER.

H.R. 1148: Mr. DAVID SCOTT of Georgia, Mr. NUNES, and Mr. SCHWEIKERT.

H.R. 1153: Ms. MCCOLLUM.

H.R. 1163: Mr. RASKIN.

H.R. 1164: Mr. MOONEY of West Virginia and Ms. ROS-LEHTINEN.

H.R. 1169: Mr. TIPTON.

H.R. 1173: Mr. ELLISON, Mr. JONES, Mr. SOTO, Mr. LOWENTHAL, Ms. MCCOLLUM, and Mr. RYAN of Ohio.

H.R. 1179: Mr. MCCLINTOCK, Mr. MARCHANT, Mr. VALADAO, Mr. PEARCE, Mr. YOUNG of Alaska, Mr. WEBER of Texas, Mr. PITTENGER, Mr. WESTERMAN, Mr. WILLIAMS, Mr. CALVERT, Mrs. BLACKBURN, Mr. BRIDENSTINE, Mr. ROSS, Mr. FLORES, Mr. SMITH of Missouri, Mr. JONES, Mr. MCKINLEY, Mr. COLE, Mr. MEADOWS, Mr. KELLY of Mississippi, Mr. PALAZZO, and Mr. ADERHOLT.

H.R. 1203: Mr. RUSSELL.

H.R. 1243: Mr. KENNEDY, Ms. TITUS, Ms. ROYBAL-ALLARD, Mr. KEATING, Mr. GALLEGO, and Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 1244: Mr. POE of Texas.

H.R. 1259: Mr. TIPTON and Mr. SAM JOHNSON of Texas.

H.R. 1273: Mr. SMITH of Missouri.

H.R. 1274: Mr. GOODLATTE.

H.R. 1281: Mr. FASO.

H.R. 1295: Ms. MCCOLLUM.

H.R. 1307: Mr. PERLMUTTER.

H.R. 1314: Mr. SANFORD and Mr. BYRNE.

H.R. 1315: Mr. ROSS and Mr. BYRNE.

H.R. 1326: Mr. ELLISON.

H.R. 1343: Mr. TROTT and Mr. GOTTHEIMER.

H.R. 1366: Mr. SHERMAN and Mr. GRIJALVA.

H.R. 1380: Mr. KELLY of Mississippi.

H.R. 1384: Mr. MOULTON, Mr. JONES, Ms. SINEMA, and Mr. ELLISON.

H.R. 1393: Mr. FRELINGHUYSEN.

H.R. 1399: Mr. PEARCE.

H.R. 1406: Mr. BLUMENAUER and Mr. MACARTHUR.

H.R. 1448: Mr. HUFFMAN.

H.R. 1454: Mr. WESTERMAN, Mr. BABIN, Mr. FARENTHOLD, Mr. PEARCE, Mr. DUNCAN of South Carolina, Mr. GROTHMAN, Mr. ABRAHAM, Mr. MCCLINTOCK, Mr. HIGGINS of Louisiana, Mr. VALADAO, Mr. JODY B. HICE of Georgia, Mr. SCHRADER, Mr. JONES, Ms. PINGREE, Mr. AMODEI, Mr. NOLAN, Mr. COOK, and Mr. SIMPSON.

H.R. 1468: Mr. KINZINGER.

H.R. 1473: Ms. JAYAPAL, Ms. SCHAKOWSKY, Mr. NOLAN, and Mr. GRIJALVA.

H.J. Res. 31: Ms. JAYAPAL.

H.J. Res. 48: Ms. ADAMS.

H.J. Res. 51: Ms. SINEMA.

H.J. Res. 59: Mr. BOST.

H. Con. Res. 10: Mr. STIVERS.

H. Con. Res. 15: Mr. SERRANO and Mr. ELLISON.

H. Con. Res. 20: Mr. DONOVAN and Mr. MCGOVERN.

H. Res. 28: Mr. VARGAS, Mr. GUTIÉRREZ, and Ms. ROYBAL-ALLARD.

H. Res. 30: Mr. HIMES, Mr. KILMER, Mr. MCEACHIN, Mr. MACARTHUR, and Ms. TENNEY.

H. Res. 78: Mr. RUPPERSBERGER.

H. Res. 92: Mr. TURNER, Mr. GROTHMAN, and Mr. BISHOP of Georgia.

H. Res. 135: Mr. SENSENBRENNER and Mrs. HARTZLER.

H. Res. 136: Mr. PERLMUTTER.

H. Res. 162: Mr. HIGGINS of New York and Mr. BOST.

H. Res. 172: Mr. KEATING, Mr. SIRES, Mr. MCGOVERN, and Mr. ESPAILLAT.

H. Res. 178: Mr. BISHOP of Georgia and Mr. CARSON of Indiana.

H. Res. 183: Mr. RASKIN.

H. Res. 186: Ms. DELAURO, Ms. CLARK of Massachusetts, Mr. POCAN, Mr. PALLONE, Mr. LEWIS of Georgia, Mr. VARGAS, Mr. GARAMENDI, Mr. WELCH, Mrs. WATSON COLEMAN, Mr. GUTIÉRREZ, Ms. SPEIER, Mr. LARSON of Connecticut, Mr. KIND, Mr. NADLER, Mr. CUMMINGS, Mr. COHEN, Mr. HIGGINS of New York, Mr. CAPUANO, and Mr. PERLMUTTER.

PETITIONS, ETC.

Under clause 3 of rule XII,

21. The SPEAKER presented a petition of the Botetourt County, VA, Board of Supervisors, relative to a resolution urging Congress to enact legislation in 2017 that will enable state and local governments to collect Internet sales taxes; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A CELEBRATION OF THE LIFE OF THE HONORABLE ROBERT HENRY MICHEL, EIGHTEENTH DISTRICT OF ILLINOIS (1957–1995) MINORITY LEADER OF THE UNITED STATES HOUSE OF REPRESENTATIVES (1981–1995)

HON. PAUL D. RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. RYAN of Wisconsin. Mr. Speaker, the Honorable Robert H. Michel, former Minority Leader of the House of Representatives, died on February 17, 2017. On that day, I issued the following statement:

''On November 29, 1994, an extraordinary thing happened on the House floor. Outgoing House Speaker Tom Foley, a Democrat from the Pacific Northwest, asked outgoing Minority Leader Bob Michel, a Republican from central Illinois, to take the gavel and preside over the House. More than a symbolic gesture, it was a fitting sendoff for a happy warrior revered for his decency and commitment to what's right.

''A half-century earlier, as a combat infantryman, Bob Michel was in the Battle of the Bulge. He was at Normandy too. For his service in World War II, he received two Bronze Stars and the Purple Heart.

''I did not have the privilege to serve with Leader Michel. But I do have the honor of working every day in the office in the Capitol that bears his name. What a name and legacy it is. What a life well-lived by this great and gracious man. Today the members of the House—past and present—mourn with the family and friends of our former colleague and leader.''

The House took several steps to honor Mr. Michel. The flags of the U.S. Capitol were lowered to halfstaff in honor of his passing. A book of condolences was made available for the remembrances of friends and colleagues. On February 27, 2017, the House adopted House Resolution 151, honoring the life of former Minority Leader of the House of Representatives, Robert Henry ''Bob'' Michel. A memorial service was held in Statuary Hall in the U.S. Capitol on March 9, 2017. The following is a transcript of those proceedings:

MARCH 9, 2017

PRELUDE—(United States Army Brass Quintet)

PRESENTATiON OF THE COLORS—(United States Armed Forces Color Guard)

NATIONAL ANTHEM—(United States Army Chorus)

(The Reverend Patrick J. Conroy, S.J., chaplain of the United States House of Representatives)

Reverend Conroy: God of Heaven and Earth, the work of Your hands is made known in Your bountiful creation and in the lives of those who faithfully live in Your grace.

Today we especially remember the life and work of Bob Michel, son of the very proud city of Peoria.

As the long-time minority leader, he was a modest man whose impact on the public weal beyond his district far exceeded any projection of ego strength. A man of an age past, he was a better practitioner of governance than politics. It was this characteristic of his that ushered through a Democratic House much of President Ronald Reagan's agenda, evidence of an extraordinary ability to legislate within our constitutional structures.

Be present with us this day, O God, as we mark his life and remember his legacy. Bless this gathering and comfort us as we comfort one another in remembering a great American and a genuinely good man.

Amen.

(The Honorable Paul D. Ryan, Speaker of the United States House of Representatives)

Speaker Ryan: Good afternoon, and welcome to the United States Capitol.

Today, we celebrate the life of the Honorable Robert H. Michel, the distinguished leader from the State of Illinois. On the day of his passing, it was my sad duty as Speaker to order the flags flown over the Capitol to be flown at halfstaff.

At this moment, I would like to ask the Capitol Police to present one of those flags from that day to the Michel family, if you will, please.

(Presentation made.)

Speaker Ryan: Bob Michel was a man of very simple rituals. He pressed his own shirts. He whistled while he worked—no, he really, actually did whistle while he worked. He had time for everyone. That is a skill I am really learning to appreciate, and that is difficult to develop in this job.

Actually, I would say this is the kind of inclusive program that the leader would enjoy: three Republicans, two Democrats, and Ray LaHood.

(Applause.)

Speaker Ryan: That is right. Because this is a celebration of a great life, this being a House event, we are going to hear some really great stories. I want to start the bidding with two.

One comes from Karen Haas, Karen, whom we all know very, very well right here in the House because she is the Clerk of the House. But Karen came to us as a long-time Bob Michel aide. Karen tells this story of a time she briefed the leader on a tax provision that Bill Archer was going on about. She went into all the great details. The reason she did that was so that they wouldn't have to go over the whole thing all over again with Bill Archer on the floor.

So they get to the floor, and sure enough, Bill Archer comes up on the floor, comes up, starts going into the tax policy. The leader sits down, and he says: ''Walk me through it from beginning to end. Tell me all about it.'' Karen starts fidgeting in her chair. He just taps her lightly, and the leader basically is saying to her, without saying a word: ''This is the job. A leader takes a moment; a leader listens.''

My predecessor, John Boehner, he tells a story of his very, very early days when he was a freshman Member. You ever hear of the Gang of Seven? Right. John Boehner was a part of the Gang of Seven. They were about to drop something really big on the House Bank. That's what made the Gang of Seven famous.

So John Boehner, he is a freshman, goes to the leader and gives him a heads-up about what they are right about to do on the House Bank, and he is thinking: ''He is going to cut my legs off. This guy is never going to speak to me ever again.''

The leader just nods and he says: ''Well, you do what you have to do. As leader, I will do what I have to do.'' That was it—no breaking of arms, no retribution, just that.

You know, years later, when I was a rabble-rouser causing John Boehner very similar problems, he showed the same decency to me. Now I know whom I have to thank.

Bob Michel loved this place. Many of us got to know him after. We didn't serve together, but we all got to know him so well after that service. He loved this place. He loved this institution. But he really loved his people. He did not just shape events; he shaped people's lives, how they lived, and how they treated others. That's what makes a giant a giant. it is the values that they instill in us, those moments that make you say: ''Wow, I will never forget this.''

Bob Michel had a lot of those kinds of moments in his good and long life. You wouldn't know it, given how humble and how genial he was. But today, I hope that he will permit us to speak out of order so that we can give this great patriot, this man of the House, the due he so richly deserves.

Thank you very much for being here today.

(Applause.)

(The Honorable Dick Durbin, United States Senator from Illinois)

Mr. Durbin: If Bob Michel were here looking out at this crowd, we might have heard some of his favorite profanities: Ye gads. Doggone. By gosh, by Jiminy! Son of a buck!

He would say: ''Just look who's here: my friends, my family, Republicans, Democrats, diehard Cub fans—and the rest of the world.''

We have beautiful baseball weather outside, a U.S. Army band and chorus inside, and we meet in the right room. If you can't be on the floor of the House, this is a great room to honor Bob Michel. Imagine how many times he walked across this room back and forth to his office, to his beloved floor of the House of Representatives.

But best of all, we meet with the uncommonly decent spirit of Bob Michel among us again. The only thing Bob loved better than the people's House, as he called it, was his family.

To Bob and Corinne's children—Scott, Robin, Bruce, Laurie—grandchildren, and great-grandchildren, we hope in this time of loss, as you look around here at the support and friendship, that you can replace that loss with happy memories of a great fellow, one loved by all.

Bob's devotion to public service began when he was 19 years old. He was an Army private, off to fight with courage in some of the most important battles in human history. it continued after he left Congress, with his extraordinary efforts to increase America's investments in medical research.

But he left his greatest mark in public service right here in this building. In his nearly 50 years in the House of Representatives, he said that the times he was proudest of were the Ronald Reagan years, starting in 1981, his first year as a minority leader, when he was able to create coalitions to help big parts of President Reagan's agenda pass.

I was elected 2 years later, in a tumultuous election in 1982. Bob, of course, was the Republican leader at that time, and we had adjoining congressional districts. Now, a lesser

man and a different leader might have written me off as just another freshman Democrat; but Bob Michel treated me as a colleague and as a friend, and I never forgot it.

I used to love the stories. We would meet just around the corner there once every month with an Illinois delegation for lunch. it was such a treat to hear the great stories from our delegation in those days, but especially the stories between Bob Michel and Dan Rostenkowski.

Are there two more different politicians alive in the State of Illinois than Bob Michel of Peoria and Dan Rostenkowski of the bare-knuckle wards of the city of Chicago? You would think it was just going to be a knock-down-drag-out every time they got in the same room, and you couldn't be further from the truth.

They became such close friends that—listen to this—they would actually get in a station wagon after the adjournment of the House and take turns driving back to Illinois. one would drive, the other would sleep on a mattress in the back of the station wagon. That was their regular return home and back and forth. They were that close.

Over the years, Corinne and LaVerne Rostenkowski and Bob and Dan were the closest of friends. I never shared a station wagon trip with Bob—thank goodness neither of us had to do that—but what we did share was a commitment to our state and a reverence for the House of Representatives and this great Nation.

We were both children of immigrants, and like many first-generation Americans, we shared an awe for this great Nation. That was the foundation of a friendship for the 12 years that we served together in the House of Representatives and all the years since.

The last time I saw Bob, I was telling the family, was at a Cubs-Nats game over at the stadium. And he was having the time of his life, as usual.

Bob Michel taught us the importance of listening and respecting other persons and the other person's views, even if you didn't agree with them. He never mistook politics for warfare because he had seen real war, like Bob Dole.

It is an honor that you are with us today, Senator Dole. Thank you for being here.

(Applause.)

Mr. Durbin: John Warner, thank you for being here, too.

And men like Danny Inouye. so many of the Greatest Generation. There was a quiet, battle tested bravery about them.

He showed us that consensus is not weakness, and principled, intelligent compromise is not capitulation. it is how a democracy works. He once said, and I quote: ''Raising the level of your voice doesn't raise the level of discussion. . . . Peaks of uncommon progress can be reached by paths of common courtesy.'' One look at his historic legislative achievements and you know that that is true.

Bob Michel often said that the real heroes of World War II never came home. At the risk of correcting my old friend, I have to say this: Some of those heroes did come home. It was our honor to know and work with one of the finest.

In his great, beloved hometown of Peoria, one of the tributes after his passing read: ''They certainly don't make 'em like Bob Michel anymore.''

And I might add: We are all the lesser for it.

Thank you.

(Applause.)

(The Honorable Nancy Pelosi, Democratic Leader of the United States House of Representatives)

Minority Leader Pelosi: Good afternoon, everyone. Senator Dole, Senator Warner, thank you for honoring us with your presence.

Many honors are afforded members of Congress, but to be asked to speak at a memorial service for Leader Michel is an honor indeed. It is an honor to be here with speaker Ryan and senator Durbin, Vice President Cheney, Secretary Baker, Secretary LaHood, Secretary Jack Lew, Billy Pitts. I will talk about the two of them later.

Today we remember a beloved former colleague who embodied the highest ideals of our democracy: Leader Robert Henry Michel. In this hallowed Hall, gathered beneath the great statue of Clio, the muse of history, Clio and her clock remind us that our time is short and history is watching. She reminds us that we are part of history, that our words and our actions will face the judgment of history, that we are part of the long and honorable heritage of our democracy.

This distinguished gathering is a tribute to Leader Michel's leadership, service, and civility, embodying everything we hope our heritage would be.

Bob Michel was a patriot, a proud immigrant's son, a soldier, and a great American statesman—a patriot indeed.

In World War II, Bob served with heroism and honor, which earned him the first congressional Distinguished Service Award.

In the Congress, Leader Michel fought for the people of Peoria and his beloved Illinois. He brought the values of the heartland to Washington. And he personified the highest ideals of our Nation.

His valor and leadership were recognized with the Presidential Medal of Freedom, with the high honor of France's Knights of the Legion of Honor. We all benefited from his wisdom, his dignity, and his integrity.

Bob once said: ''Understanding the other person's viewpoint is the beginning of political wisdom. It doesn't mean we will always agree. But it does mean that when we disagree, it's a disagreement based on fact.''

What great guidance.

Leader Michel reminded all of us that we have a role to play in strengthening our democracy. Let us carry forward Bob's courage, his conviction, and his civility.

With his characteristic civility and grace, Bob Michel held the respect of colleagues on both sides of the aisle. I am sure that Steny Hoyer will attest that Democrats in the House who served with him and since then all respected and loved Bob Michel.

His relationship with Speaker O'Neill was legendary. Tip O'Neill served as Speaker, and he took the leader's office and yielded the speaker's office to Bob Michel. That office is now named for Bob Michel. And it brings a joy to all of us that it is, and it brings luster to that office that it bears his name.

They were really close friends, and they traveled a bit. And I am just telling you this one story about Jack Lew, who worked with Tip O'Neill, and Billy Pitts, who worked with Bob Michel. One time they were on a trip visiting Gorbachev in Russia, the Soviet Union at the time. And they were so close and interacted in such a nonpartisan, bipartisan way that, when Tip O'Neill's spokesperson was not available to lead the press event that they would both speak at, Billy Pitts stepped in for the Democrats.

Okay, Billy? Billy and Jack, please stand up, because they are probably the two closest people to Tip and Bob Michel.

(Applause.)

Minority Leader Pelosi: It wasn't that long ago when we all gathered in Statuary Hall for the service for Speaker Tom Foley. All of us remember the beautiful, beautiful presentation that Bob Michel made about Tom Foley and about bipartisanship and working together and respecting each other's views. In fact, Bob Michel was one of the last people that Tom Foley saw before he left us. So, whatever the politics were, the personal respect always prevailed.

Leader Michel, may I say again, had a role to play in strengthening our democracy, but he also understood that we were engaged in a political disagreement from time to time. Leader Michel and Democrats might disagree on policy proposals, but we always agreed, because he led us that way, on the importance of public service. He believed in the truth and compromise and working out differences to meet the needs of the American people.

It was a joy to behold Leader Michel's devotion to his late wife, Corinne, and love for their children, grandchildren, and great-grandchildren. I hope the grandchildren and the great-grandchildren who are here understand how much their grandfather is revered—is revered—and for a long time to come. Of all of his achievements as Republican leader of the House, Bob Michel was most proud of being a husband, father, and grandfather.

So, for many of us, it was such an honor to serve with him, to be his colleague in the Congress. It was a privilege to serve with him. It was an honor to call him colleague and a joy to call him friend. Many of us, maybe, presuming, but he made us feel that we were all his friends.

To Scott, Bruce, Laurie, and Robin, thank you for sharing your father with all of us over the years. May it be a source of comfort to you, to your whole family, the people of Illinois, and the people of America who loved him that so many join all of you in celebrating the life of this extraordinary American, mourn your loss, and are praying for your family at this sad time. Thank you again for sharing this great, patriotic American statesman, a person who taught us all so much about civility and about our country—a great patriot.

Thank you.

MUSICAL SELECTION—(''Mansions of the Lord'' performed by the United States Army chorus)

(The Honorable Dick Cheney, 46th vice President of the United States)

Vice President Cheney: Good afternoon. This is a sad occasion, obviously, for all of us, but it is also an opportunity to give thanks for the fact that we were able to share time with Bob. He was a major, major influence in my life.

When I arrived here after the 1978 election, Bob took me under his wing, taught me a lot about what he knew about the House. He did his darndest, with some success: got me elected to the leadership in my first term, made me a member of the Intelligence Committee—his committee assignments were very important—and eventually put me in charge of the Iran-Contra investigation. And I loved every one of those. I was never quite certain it was going to come out the way Bob thought it was going to come out, but his role as my mentor I will never forget.

My highest aspiration was to follow in Bob's footsteps and hopefully some day become the Speaker. Speaker Ryan and I have often reminisced over the fact that my desire was to become Speaker of the House and his was to become the Vice President. It didn't work out quite the way we planned.

But Bob was one of the finest men I have ever known. There cannot be many others who spent so much time here yet were held in such thoroughly high regard by everyone, from beginning to end. Our leader was never known to make a disagreement personal or let opposition give way to hostility, to show the signs of injured vanity. And forget holding a grudge; Bob wouldn't know how to acquire a grudge in the first place. He was a

straight-up guy through and through, as authentic and devoid of pretense as any man could be.

Like his counterpart, Senator Dole, Bob was a man of his generation who knew far bigger tests than a tough vote or a heated floor debate. I guess when you have landed at Normandy, led a platoon in combat, been wounded by machine gun fire in the Battle of the Bulge, you gain a perspective that doesn't come any other way. You know what a real fight looks like, what a real loss feels like, and the dramas and reversals of politics are all a little bit more manageable.

When we are young and we first start reading about politics, we picture a certain kind of individual to serve in Congress. Maybe, in time, reality teaches us a little differently. In this case, the man and the ideal were awfully close.

The gentleman from Illinois commanded respect well beyond anything required by title. He was a man of courage, rectitude, and personal kindness, a friend we looked up to and were lucky to have in our lives. We honor Bob for all that he gave to America, and we are grateful for all that he meant to us.

(Applause.)

(The Honorable Jim Baker, 61st United States Secretary of State)

Secretary Baker: Of course it is traditional to refer to Members of Congress as ''The Honorable.'' In Bob Michel's case it was particularly appropriate when people called him The Honorable Bob Michel because it was a simple fact. He was a most honorable man.

The words ''duty,'' ''honor,'' and ''country'' were not catchphrases for Bob Michel; they described a prescription for almost everything he did. He was a masterful legislator, of course, and a leader of his party in the House who had enough accomplishments to fill the rotunda of this building where he worked for so very long.

But more importantly, he remained a generous and decent man whose ego was as humble as his Midwestern roots. After all, as Senator Durbin has said, how can you not like someone who cusses like a choir boy? While the Halls of Congress echoed with supercharged expletives deleted, Bob would simply smile and say, ''geez,'' or maybe if he was really steamed, ''dagnabbit.''

A conciliatory influence who knew how to work with Democrats, Bob was also tough and strong-willed, and he knew how to swing votes. Without his skill, we could never have helped President Reagan achieve his 1986 income tax reform, the only time our tax system has been completely overhauled successfully. With a deadline approaching, we gathered in our leader's office and began working the phones to seek support from wary Members. It took a lot of calls and it took a lot of horse trading—Bill Pitts remembers all that—but we got it done. It was classic Michel: fair, but very strong.

Rather than rely on bellicosity—a trait that, sadly, I am afraid to say is in vogue today—Bob's actions always spoke a lot louder than his words. In what now seems to be a long lost approach to governance, Bob preferred to reach across the aisle than battle across the aisle. He could, and he did, disagree agreeably.

So I can just imagine the scene when Bob arrived at the pearly gates not very long ago. He is greeted by St. Peter, who smiles, spreads his arms wide, and tells him: ''It's good to see you up here, Bob, but dagnabbit, you really are missed back down there.''

Thank you.

(Applause.)

(The Honorable Ray LaHood, 16th United States Secretary of Transportation)

Mr. LaHood: Thank you all for being here. We knew that this would be a standing-room-only crowd. And I can't pass up the opportunity to recognize the Chief Justice of the Supreme Court, John Roberts. When I called the Chief Justice and invited him, I told him what an honor it would be for the family.

When Bob left Congress, he went to work at Hogan Hartson, which is now Hogan Lovells, and he met one of the top partners there, John Roberts, and they became good friends. So, Mr. Chief Justice, I know it is an honor for the family to have you here, and I know Bob would be so humbled to have your presence here. So thank you for coming.

(Applause.)

Mr. LaHood: Bob Michel's life reflects the perfect definition of what Tom Brokaw called the Greatest Generation. Bob was raised by two loving parents with his two sisters in Peoria, Illinois. He learned his strong Midwestern values of faith in good, hard work and play by the rules in Peoria. He and Corinne raised an all-American family, obviously.

Bob served his country for 50 years: as a decorated war hero in World War II, as an American hero to his constituents from the 18th Congressional District, and as a teacher for those of us who had the greatest privilege of working for him. I consider myself, as well as many other people sprinkled throughout this wonderful Statuary Hall, a graduate of the Robert H. Michel School of Applied Political Arts and Sciences.

And if I could, just for a moment, ask all of you that were touched by having the privilege of serving as a Bob Michel staffer to stand up, just to say thank you to all of you for what you did for our leader. Please stand, all of you that were a part of it.

(Applause.)

Mr. LaHood: When you worked for Bob Michel, you were a part of his family. He cared as much about you as a staffer as he did any one of his children or grandchildren. Bob's classrooms were his office, the floor of the House, its committee rooms, and the farms and towns of the 18th District. Everywhere he went he taught his staff by his example what it means to be a great public servant.

President John Adams once said the Constitution is the project of good heads, prompted by good hearts. Bob taught us that both a good head and a good heart are necessary in order to be a good Congressman, but also to be a good staffer.

Bob taught us by example that the 18th Congressional District should offer a forum for reasoned debate among constituents equal in dignity. Bob taught us to respect every person, no matter their opinion or political persuasion. I heard him say on more than one occasion: ''You learn much more from listening.''

Bob worked every day, either in Washington or in the district, for the people, not to engage in ideological melodramas or political vendettas, and he expected and demanded all of his staff to do the same.

Bob knew warfare firsthand—not war in a Steven Spielberg movie or war fought on the pages of a book, but real war. I guess that is the reason that he never used macho phrases like ''warfare'' and ''take no prisoners'' when discussing politics with his staff. To Bob, the harsh personal rhetoric of ideological warfare had no place in his office, no place in the House, and no place in American politics. He knew that the rhetoric we use often shapes the political actions we take.

I never saw Bob get angry or use a swear word—lots of deviations of swear words, but never a swear word. Whenever there is a debate on the House floor or in the 18th District conducted by men and women with good heads and good hearts, treating each other with mutual respect, Bob Michel's long, rich history of respect for others and uncommon decency to all will endure. He was a great Congressman, a great leader, and a great teacher.

Three final thoughts:

Many of you that knew Bob knew that he was the best gardener in the world. If you drive by his townhouse on A street today, what you will see are barrels in front of his house with tulips coming up, planted by him—the best tulips, the best flower beds. And he taught all of us about flowers and how to plant them and when to plant them, when to pull the tulip bulbs up. He was a great gardener. We learned a lot from him. He spent more time in his garden than on any piece of legislation that he ever wrote.

Bob Michel loved Bradley University. We had a wonderful memorial service at Bradley a week ago to honor Bob. On that university, there are a couple of buildings that are named in his honor. That is where he met the love of his life, Corinne, and that is where he really developed his love for music. Bob was an extraordinary singer. He loved to sing. I traveled with him all over the district on many occasions, and he was either whistling or singing. And he loved singing. He would have loved what you all presented today; and thank you for doing that, and thank you for being here.

(Applause.)

Mr. LaHood: And finally, Bob Michel the Cub fan. Many of us in this room received Christmas cards from Bob year in and year out, great family pictures going way, way back to 1956 and 1957, when he was first elected. The best Christmas card picture was this year, which is on the back cover of the program. Bob stayed up until 2 o'clock in the morning when the Chicago Cubs won the World Series. And I called him the next day and I said: ''Did you watch the game?'' He said: ''I stayed up until 2 o'clock.'' And he wasn't feeling that well.

There is nobody that was a more long-suffering Cub fan than Bob Michel—nobody. And he loved it when the Cubs won the World Series, and he never dreamed that he would live long enough for that to happen. So we are grateful to the Ricketts family and all of the people that put together that great organization that helped a great Cub fan watch them win the World Series.

I am going to finish with a quote from the Journal Star. We were told we were only going to get 300 words, but when I saw the Speaker go over and all these other speakers, I figured I am going to, too. I want to read from an editorial tribute that was in the Peoria Journal Star. And it's a quote from Bob. Michel was ''always proud to say he was from Peoria.''

This is a quote from me when I was asked about this, and the reporter asked me if Bob was going to be buried in Peoria. I recall my asking him: ''Bob, do you want to be buried at Arlington Cemetery?'' which, by all rights, he would be able to do. And he said: ''No.'' He said: ''Everett Dirksen was a big man.'' And Everett Dirksen was Bob Michel's mentor. He was the Congressman before Bob was elected, and he was the Senator while Bob was serving. And he said: ''If Everett Dirksen was not too big to be buried in Peoria, then I'm not too big to be buried in Peoria.''

And the final quote in this editorial is from Bob. And it begins: ''You never know for sure how you are going to be perceived in history. But you want to be a credit to your kids and to the people that are closest around you, that they will maybe take a leaf from your book if it's desirable, and will fill the shoes that get emptied when you pass on.''

So, lastly, we remember a Bob Michel who did that, who made Congress better by being

here, and who brought honor to his hometown of Peoria.

Let me introduce, finally, Scott Michel. When the Michel family gave me the privilege of helping them organize the memorial service in Peoria and here, all of us, except for Scott, thought that a family member should say something. We persuaded Scott to be the spokesman for the family. You all know Bob loved every one of his children and his grandchildren. So Scott really stepped up and decided that he would be the one to represent the family. So please welcome Scott Michel.

(Applause.)

(Mr. Scott Michel, son of the Honorable Robert H. Michel)

Mr. Michel: Thank you, Ray.

First, let me thank all of you, on behalf of the entire Michel family, for joining us here this afternoon to celebrate the life of my dad, Bob Michel.

Since his passing last month in Arlington, Virginia, I have read glowing tributes, news articles, and obituaries capturing the highlights of his illustrious career and extolling the virtues of his character. What I want to tell you today is that the qualities that propelled him to such lofty heights were made a part of him by his father and mother, Charles and Anna Michel, back in Peoria, Illinois. His parents instilled in him values and character that developed, matured, and later were passed on to his sons and daughter, just as his parents had done for him.

As I got older and had a son of my own, I looked back and tried to replicate what I saw and learned when I was growing up. What did I see and learn? First, I saw a larger than life figure with a booming voice, a vivid presence, and the bearing of a leader. He was in charge. And even though his work in Washington meant we saw him only twice a month on weekends, he called us almost every day to check on our academic progress, our athletic pursuits, our musical instrument accomplishments, and our chores around the house. We all saw that he was in our midst even while being away, and we saw his involvement, commitment, and influence, which was constant and reassuring.

Second, when he was at home, we saw up close what he was made of, and that made a lasting impression on all of us. Learning his life lessons was simple: just watch and listen. His lessons weren't taught so much by conversation as by simple observation. We could see how he interacted with my mother: how he treated her, how he respected her, how they spoke with each other. It was with love, sensitivity, and without harsh or bitter words. We could see how he treated each of us, too. He was fair, evenhanded, strict when needed, held us accountable for our actions, and expected no less than our best at whatever we were doing, whatever tasks we were given, or whatever our school studies demanded. All of this reinforced his desire for us to be responsible.

He also showed us how to be humble by practicing humility. Bragging was called out. So was self-centeredness and arrogance. He showed us that working hard and doing a good job was its own reward. He showed us how to be honest by demanding the truth from us and expecting no less when dealing with others. He showed us how to be generous and compassionate by his countless efforts to help assist, console, and empathize with those less fortunate or those who had fallen on difficult times. And he showed us how to respect others by treating them the way he would want to be treated. That sounds like the Golden Rule.

As I look back at the values and character that witnessed growing up with my father—his humility, his honesty, his work ethic, his generosity, his respect for others, and his abiding faith in God and our country—I feel so fortunate and blessed to have had him as my father. He loved us and his family in every way and with all his heart. He was a one-of-a-kind role model.

While his accomplishments in public life make us all so very proud, it is his values and character that he instilled in each of us that means the most to us. That will be his lasting legacy.

Godspeed, Dad. I love you. I miss you. I know you are in God's hands now.

Before we close, I would like to ask that you all join the U.S. Army chorus in singing ''God Bless America,'' which was one of my dad's favorite songs, especially when he could lead the singing, as he did on numerous occasions.

MUSICAL SELECTION—(''God Bless America,'' performed by the United States Army Chorus)

Reverend Conroy: Dear Lord, as we close our time together, send Your spirit of peace and consolation upon us who mourn the loss of the Honorable, former minority leader of the House, Bob Michel.

He was a glowing example, an icon of what it means to be a man for others. His decades of service to his home State of Illinois and to our great Nation will be long appreciated by those whose lives are forever blessed by his life's work and dedication.

His belief in the durability and transcendence of Congress as an institution, the first branch of government, is a challenge in this day of severe partisan divide and a persistent and seeming inability to consider compromise in order to reach consensus. May some from both sides of the aisle be inspired to emulate such a great statesman.

May Your angels, O God, come to greet our beloved Bob Michel, and may those who mourn him here be consoled with the knowledge that, for those whom love You, everything is turned to good.

Amen.

POSTLUDE—(United States Army Brass Quintet)

HONORING JOE McEARCHERN FOR HIS CAREER IN PUBLIC SERVICE

HON. BRADLEY BYRNE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. BYRNE. Mr. Speaker, I rise today to honor Joe Deal McEarchern, Jr. for his over forty years of service as Chief Clerk of the Mobile County Probate Court.

Born in 1949, Joe has been a lifelong resident of Mobile County, Alabama. After Joe's father passed away when he was young, he worked in various shoe stores in the Mobile area to help finance his college education. He attended public schools in Prichard, Alabama and graduated from C.F. Vigor High School in 1968. During his time at Vigor, Joe was President of the National Honor Society, sports editor for the yearbook, and named ''Student of the Year'' by the Civitan Club.

Joe went on to attend the University of South Alabama, where he graduated in 1972 with a bachelor's degree in political science. While in college, he married Wendy Stinson, who also graduated from South.

In July of 1972, Joe was hired by Mobile County Judge of Probate John L. Moore to serve as chief clerk of the Recording Division. He later served as administrative assistant of the Court before being appointed chief clerk of the Court in March 1981. He has served in that position ever since under Judges John L. Moore III, Lionel W. Noonan, and Don Davis.

Early in his career, Joe oversaw and implemented changes to the Probate Court's precomputerized indexing system for judicial and land records. His work focused on making these systems more efficient and easier to use. As technology advanced, Joe oversaw and implemented changes to the Court's operations to utilize computer technology in all aspects of the Court's operations, including the recording of documents, word processing, websites, judicial case management, and accounting.

Joe is currently the dean of the chief clerks of probate courts in the State of Alabama. He is a founding member and past president of the Alabama Probate Court Chief Clerks Association. He served as a member of the Alabama Law Institute's Probate Code Revision Committee and assisted the Alabama Law Institute on numerous projects involving Alabama probate courts, probate law, and probate procedure. He has been asked to speak and present on these topics countless times throughout his career.

When he was not working, Joe has pursued a number of hobbies including photography, astronomy, birding, ham radio, and flying. He is also a long time member of the First Baptist Church of Mobile.

Joe has always been a good friend of the lawyers in our community, including a friend of mine. So, on behalf of Alabama's First Congressional District, I want to wish Joe and Wendy all the best upon his retirement. His dedicated service to Mobile County has not and will not go unnoticed.

IN RECOGNITION OF ORELAND BOY SCOUT TROOP 1

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. MEEHAN. Mr. Speaker, I rise today to honor Oreland Boy Scout Troop 1 of Montgomery County, Pennsylvania as it celebrates its 100th Anniversary. The Boy Scouts of America chartered the troop in 1917, and its members have been active and dedicated contributors to their communities in the century since. Today, Troop 1 hosts scouts from Oreland, Flourtown, Erdenheim, Fort Washington, Maple Glen and other neighboring communities.

The Boy Scouts are one of the largest youth development organizations in the country, and I am pleased to have so many active troops in Pennsylvania's 7th District. Oreland Boy Scout Troop 1 is one such troop, among the oldest in Pennsylvania, and it has trained so many of our area's youth to be young men of character, service, and commitment to community and country.

Mr. Speaker, Oreland Boy Scout Troop 1 performs an invaluable service to the scouts involved and the communities it serves. I thank the Troop's scouts and leaders over the last century for their service and leadership.

INNOCENT PARTY PROTECTION ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2017

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 725) to amend title 28, United States Code, to prevent fraudulent joinder:

Ms. JACKSON LEE. Mr. chair, I rise in strong opposition to H.R. 725, the Innocent Party Protection Act of 2017.

H.R. 725 is the latest Republican effort to deny plaintiffs access to the forum of their choice and, possibly, to their day in court.

H.R. 725 seeks to overturn longstanding precedent in favor of a vague and unnecessary test that forces state cases into federal court when they do not belong there, and gives large corporate defendants an unfair advantage to cherry-pick their forum without the normal burden of proving proper jurisdiction.

This bill would upend long established law in the area of federal court jurisicliction, specifically addressing the supposed overuse of fraudulent joinder to defeat complete diversity jurisdiction in a case.

It was previously known as the Fraudulent Joinder Prevention Act; however, this bill is not about fraud.

It is a corporate forum-shopping bill that would allow corporations to move cases properly brought in state courts into federal courts.

If enacted this bill would tip the scales of justice in favor of corporate defendants and make it more difficult for injured plaintiffs to bring their state claims in state court.

Corporate defendants support this bill because they prefer to litigate in federal court, which usually results in less diverse jurors, more expensive proceedings, longer wait times for trials, and stricter limits on discovery.

For plaintiffs, who are supposed to be able to choose their forums, this legislation would result in additional time, expense, and inconvenience for the plaintiff and witnesses.

H.R. 725 would effectively eliminate the local defendant exception to diversity jurisdiction under 28 U.S.C. 1441(b)(2), which currently prohibits removal to federal court even when there is complete diversity when a defendant is a citizen of the state in which the action is brought.

The current standard used by courts to determine whether the joinder of a non-diverse defendant is improper, however, has been in place for a century, and no evidence has been put forth demonstrating that this standard is not working.

Rather, the Fraudulent Joinder Doctrine, is a well-established legal doctrine providing that: fraudulent joinder will only be found if the defendant establishes that the joinder of the diversity-destroying party in the state court action was made without a reasonable basis of proving any liability against that party.

There is no evidence that federal courts are not already properly handling allegations of so-called fraudulent joinder after removal under current laws.

H.R. 725 reverses this longstanding policy by imposing new requirements on federal courts considering remand motions where a case is before the court solely on diversity grounds.

Specifically, it changes the test for showing improper joinder from a one-part test, (no possibility of a claim against a nondiverse defendant) to a complicated four-part test, requiring the court to find fraudulent joinder if:

1) There is not a plausible claim for relief against each nondiverse defendant;

2) There is objective evidence that clearly demonstrates no good faith intention to prosecute the action against each defendant or intention to seek a joint judgment;

3) There is federal or state law that clearly bars claims against the nondiverse defendants; or

4) There is actual fraud in the pleading of jurisdictional facts.

What should be a simple procedural question for the courts, now becomes a protracted mini-trial, giving an unfair advantage to the defendants (not available under current law) by allowing defendants to engage the court on the merits of their position.

By requiring litigation on the merits at a nascent jurisdictional stage of litigation based on vague, undefined, and subjective standards like plausibility and good faith intention, and by potentially placing the burden of proof on the plaintiff, this bill will increase the complexity and costs surrounding litigation of state law claims in federal court and potentially dissuade plaintiffs from pursuing otherwise meritorious claims.

Further, taking away a defendant's responsibility to prove that federal jurisdiction over a state case is indeed proper alters the fundamental precept that a party seeking removal should bear the heavy burden of establishing federal court jurisdiction.

The bill is a win-win for corporate defendants.

At its most harmful, it will cause non diverse defendants to be improperly dismissed from the lawsuit.

At its least harmful, it will cause an expensive, time-consuming detour through federal courts for plaintiffs.

Wrongdoers would not be held accountable for the harm they cause, while the taxpayers ultimately foot the bill.

For example: large corporate defendants (i.e. typically the diverse defendants) would be favored by the bill because, if the nondiverse defendant is dismissed from the case, they can blame the now-absent in-state defendant for the plaintiff's injuries.

Smaller nondiverse defendants would also be favored because the diverse defendant does all the work for them.

The diverse defendant removes the case to federal court and then argues that the nondiverse defendant is improperly joined.

If the federal court retains jurisdiction, the nondiverse defendant must be dismissed from the case.

If one or more defendants are dismissed from the case, it is easy for the remaining defendant to finger point and blame the absent defendant for the plaintiff's injuries.

Even if a federal court remands the case to state court under the bill, the defendants have successfully forced the plaintiff to expend their limited resources on a baseless, time-consuming motion on a preliminary matter.

While large corporate defendants can easily accommodate such costs, plaintiffs (i.e. injured consumers, patients and workers) cannot.

Regardless of whether the case is remanded to state court or stays in federal court, this new, mandated inquiry will be a drain on the limited resources of federal courts.

By mandating a full merits-inquiry on a procedural motion, H.R. 725 is expensive, time-consuming, and wasteful use of judicial resources.

The bill would result in needless micromanagement of federal courts and a waste of judicial resources.

Lastly, by seeking to favor federal courts over state courts as forums for deciding state law claims, this bill offends the principles of federalism.

While it purports to fix a non-existent problem, it creates problems itself.

The ability of state courts to function independently of federal courts' procedural analysis is a necessary function of the success of the American judiciary branch.

For these reasons, I urge my colleagues to join me in opposing the underlying legislation, H.R. 725, the dubiously named, Innocent Party Protection Act of 2017.

HAPPY 100TH BIRTHDAY TO LTC JAMES MEGELLAS, U.S. ARMY (RET.)

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. MARCHANT. Mr. Speaker, I rise today with the great honor and privilege of recognizing a true American Hero, Lieutenant Colonel (LTC) James Megellas of Colleyville, Texas, in celebration of his 100th birthday.

Lieutenant Colonel James Megellas received his military commission on May 28th, 1942 as he walked the stage at his graduation from Ripon College in Ripon, Wisconsin. Simultaneously receiving his diploma and military orders, James became a newly commissioned officer in the United States Army. Since receiving his commission on that fateful day, LTC Megellas' incredible courage and selfless dedication to his country enabled him to become the most decorated officer in the history of the 82nd Airborne Division. His exemplary service to our nation and outstanding bravery during the Second World War helped to liberate a continent and defend the freedom of millions of civilians in the European Theater.

LTC Megellas reported for duty at Fort Knox, Kentucky on June 8, 1942 and began preparing to enter the war. Soon thereafter, he was selected to become a paratrooper within the 82nd Airborne Division where he served for the duration of the war on the front lines of the European Theater. His experiences during the war brought him to Anzio, Italy where he fought in the Battle of Anzio; The Netherlands for Operation Market Garden and the Battle of Nijmegen where he crossed the Waal River; and in Belgium where he fought in the Battle of the Bulge.

For his service during Operation Market Garden, LTC Megellas was the first American awarded the Military Order of Wilhelm, the oldest and highest honor awarded by the Kingdom of the Netherlands. Furthermore, LTC Megellas was awarded the Belgium Fouragere, by the Kingdom of Belgium for his bravery in defense of the Kingdom.

In addition to his foreign honors, LTC Megellas has received over 25 awards for service and valor while serving in the U.S. Army. These honors include: the Distinguished Service Cross, two Silver Stars, two Bronze Stars, two Purple Hearts, the Presidential Unit Citation with Oak Leaf Cluster, and six Campaign Stars, Combat Infantryman Badge, and Master Parachutist Badge to name but a few of his awards.

Selfless action in the face of unspeakable atrocity is one of the defining characteristics of the Greatest Generation. LTC Megellas and his outstanding service stands as a shining example of how truly great this generation is. This example has set a high bar for which we as patriots and defenders of freedom should strive to achieve.

After leaving active duty in 1946, LTC Megellas continued to serve in the U.S. Army Reserves for an additional 16 years where he reached the rank of Lieutenant Colonel. Following his retirement from the Army Reserves, in November 1961, LTC Megellas was appointed by President John F. Kennedy to serve as Mission Director within the U.S. Agency for International Development (USAID) where he served in Yemen, Panama, Columbia, and Vietnam.

LTC Megellas remains active in supporting veterans and service members across the globe. He regularly travels to speak with veterans, historians, and school children to share his experiences and to remind us all of the tremendous accomplishments of the Greatest Generation.

Mr. Speaker, it is my great honor to stand before you today to wish this living legend a very happy birthday. I ask my distinguished colleagues to join me in wishing Lieutenant Colonel James Megellas a happy 100th birthday.

IN CELEBRATION OF MRS. EMMA BROWN'S 100TH BIRTHDAY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my sincerest congratulations and Happy Birthday wishes to Mrs. Emma Brown, who is celebrating her 100th birthday on Sunday, March 12, 2017. On this day, the Greater Beallwood Baptist Church in Columbus, Georgia will honor and celebrate Mrs. Brown during the Sunday Worship Experience.

In 1917, the United States entered World War I, women did not yet have the right to vote, and segregation was rampant in the South. This is the year Mrs. Emma Brown was born. Indeed, Mrs. Brown has seen much in her lifetime and through it all, she has relied on her faith in the Lord.

Mrs. Brown and her family have been longtime fixtures at Greater Beallwood Baptist Church. Mrs. Brown's mother, Lillie McGruder Morris, was very active within the church as a deaconess and choir member. Her engagement laid the foundation for the family's commitment to the church.

After Mrs. Brown accepted Jesus Christ as her Lord and Savior in 1942, she immediately became a servant of the church. She served as an usher for more than 50 years. She held the title of Church Mother for several years. In 2004, she was commended for her decades of service with a meritorious award from the Georgia Missionary Convention. She also received an achievement award from the Mount Calvary Women's Mission Christian Education Auxiliary in recognition of her lifetime commitment to modeling Christian values.

In 1947, Mrs. Brown and her late husband Sgt. Lonnie Brown purchased their East Wynnton home in Columbus, where she still resides. For many years, Mrs. Brown worked at Saint Francis Hospital and as a private duty nurse. In her retirement, she has enjoyed participating in the Victory Play Girls Bowling League.

In addition to serving her church, Mrs. Brown felt a great sense of duty to be involved in her local community. She worked diligently to protect, educate, and encourage the youth of Columbus, Georgia and organizations such as Carver Heights Against Drugs (CHAD) have honored Mrs. Brown for her years of devotion to this work.

George Washington Carver once said, ''How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these.'' Mrs. Brown has advanced far in life because she never forgot these lessons and always kept God first.

Mr. Speaker, I ask my colleagues to join me in honoring an outstanding citizen and woman of faith, Mrs. Emma Brown, as she, her family, and the congregation of Greater Beallwood Baptist Church celebrate her 100th birthday.

HONORING MARJORIE J. McCONNELL

HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to celebrate Marjorie J. McConnell of Boca Raton, Florida who turns 100 years old today.

Marjorie J. McConnell was born just outside of St. Louis, Missouri on March 10, 1917 to Ethel Franklin and Benjamin Hughes Johnson. She was interested in art from an early age, and she obtained degrees in Art and Art Education at Washington University in St. Louis and later at Columbia Teacher's College in New York.

She dedicated herself to her students for over three decades in her career as an art teacher, which took her to Ossining, New York and Plainfield, New Jersey. Together with her husband, the late Robert K. McConnell, Jr., she raised a son and continued her creative pursuits through weaving, ceramics, and painting. Her work received recognition at art shows from New Jersey to Ohio. Marjorie has always been a staunch supporter of environmental initiatives and progressive causes and continues to create art in Boca Raton, Florida, where she resides today.

PERSONAL EXPLANATION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Ms. MATSUI. Mr. Speaker, I was not present during evening votes on March 9, 2017. Had I been present, I would have voted YES on roll call votes 140, 141, 142, 143, 144, 145, 146, 147, 149, 150, and 151. I would have voted NO on roll call vote numbers 148 and 152.

HONORING THE LIFE AND SERVICE OF DEPUTY CURTIS ALLEN BARTLETT

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. GRIFFITH. Mr. Speaker, I submit these remarks in honor of the life and service of Carroll County Sheriff's Deputy Curtis Allen Bartlett, 32, who passed away while on duty in a tragic crash on March 9, 2017.

Deputy Bartlett was a graduate of Galax High School. From 2004 to 2007, he dutifully served as an infantry soldier with the U.S. Army. Deputy Bartlett spent time working in the private security field and graduated from the New River Criminal Justice Training Academy in 2013.

He joined the Carroll County Sheriff's Office in June of 2013 and since that time Deputy Bartlett was dedicated to serving the people of Carroll County. The Sheriff's Office will remember Deputy Bartlett for his commitment to public safety and said that his loss is being felt by everyone within his family at the Carroll County Sheriff's Office.

An accomplished public servant, Deputy Bartlett earned instructor certifications through the Federal Law Enforcement Training Centers (FLETC) for firearms, Taser, and fitness training. Furthermore, he was certified through the U.S. Department of Defense as a K9 handler.

Deputy Bartlett also achieved an FAA Airmen Certification as a successful pilot from the Federal Aviation Administration. He will be remembered for his dedication to health and fitness, as well as motivating others and promoting a healthy lifestyle as a CrossFit Level 1 Trainer.

I ask that you, and my fellow Members of Congress, join me in keeping his family and loved ones in your thoughts and prayers, including his parents, Sam and Linda Bartlett of Galax, and four siblings.

Deputy Bartlett dedicated himself to protecting the people of Southwest Virginia and I am honored to pay tribute to this great man.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. PAYNE. Mr. Speaker, on March 8, 2017, I inadvertently recorded a vote of YEA

on H.R. 1301, making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes (Roll Call 139). I oppose H.R. 1301, and my vote should be recorded as NAY.

HONORING THE CAREER OF MASTER POLICE OFFICER EDWARD B. ASHWORTH

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. HUDSON. Mr. Speaker, I rise today to honor Master Police Officer Edward B. Ashworth for his 28 years of dedicated service to our community.

Growing up in Kannapolis, North Carolina, Officer Ashworth has always had a profound sense of duty to his community and fellow man. In 1989, he began his career of public service as a Patrol Officer for the Kannapolis Police Department. Twenty years later, he was transferred to the newly restructured Traffic Unit where he continued his service for the rest of his career.

Throughout his career, Officer Ashworth has exhibited a deep dedication to this community and we are fortunate to have had him as a leader for all these years. His accomplishments during his time on the force include being named the St. John's Grange Number 729 Officer of the Year in 2013 and the Rowan Optimist Officer of the Year in 2014. Furthermore, he has earned several certifications as an instructor and holds an Advanced Law Enforcement certificate from the N.C. Criminal Justice Education and Training Standards Commission.

Officer Ashworth has also remained an active member of the community outside of his career by volunteering his time to give back to others. A member of the Piedmont Baptist Church, Officer Ashworth dedicates his time to helping the less fortunate through their missions program. He is a man of principled values and strong faith who continues to embody the true meaning of public service. It is my hope that Officer Ashworth will enjoy his retirement and remain a role model for all of those he has helped over the years.

Mr. Speaker, please join me today in honoring the career of Master Police Officer Edward B. Ashworth for his service to our community and wishing him well as he begins the next chapter of his life in retirement.

IN RECOGNITION OF KAY H. HIND

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to extend my personal congratulations and best wishes to an exceptional community leader and outstanding citizen, Ms. Kay H. Hind, on the occasion of her retirement from the SOWEGA Council on Aging in Albany, Georgia on Friday, March 31, 2017.

Kay Hind was born in Albany, Georgia. She attended Georgia Southwestern College (now University) in Americus, Georgia before transferring to the University of Georgia, where she earned a bachelor's degree in Home Economics in 1951. She then worked as a Home Economist Extension Agent in Crawford County and Lee County, Georgia.

Since 1967, Ms. Hind has served as Executive Director of the SOWEGA Council on Aging, leading the organization for 49 of the 50 years it has been in operation. It was established to promote the well-being and independence of older and disabled people in the Southwest Georgia area. The Council started out with an $8,000 budget, one employee, and one volunteer. Under Ms. Hind's leadership, the agency has been designated as an Area Agency on Aging by the state and expanded into a $6 million operation with more than 20 programs. It serves more than 25,000 seniors per year and offers information and resources to 67,000 seniors living in fourteen counties in Southwest Georgia.

In 2014, the SOWEGA Council on Aging opened a new Senior Center and Agency Office in Albany, fulfilling Ms. Hind's longtime vision. Prior to the construction of the building, the agency operated out of five old buildings spread out across town. This 45,000 square foot state-of-the-art facility allowed the agency to streamline operations, increase visibility in the community, and serve more seniors with new programs, including educational programs, computer classes, arts and craft courses, exercise programs, a fitness center, and more. In recognition of Ms. Hind's work and advocacy for seniors in the community, the Kay H. Hind Senior Life Enrichment Center was named after her, further cementing her great legacy.

Ms. Hind is a familiar face around Albany, where she is an active member of the community. She has served in leadership roles for many professional and civic organizations, including the Southeastern Association of Area Agencies on Aging; National Association of Area Agencies on Aging; Southern Gerontological Society; and the Albany Hospice Board, among others. She is also a member of First United Methodist Church and Kiwanis Club, to name a few. She has been appointed as delegate to the White House Council on Aging several times and was honored by Georgia First Lady Sandra Deal with the Servant's Heart Award, which recognizes individuals dedicated to helping others. Ms. Hind has received numerous other awards and accolades for her work.

Dr. Benjamin E. Mays often said: ''You make your living by what you get; you make your life by what you give.'' Not only has Ms. Hind established a legacy in fighting to improve the quality of life for seniors, but she has also done a tremendous job of giving back to the great city of Albany, and I am very grateful for her tireless advocacy to make the community stronger. A woman of great integrity, her efforts, her dedication, and her expertise in her field are unparalleled, but her heart for helping others, especially seniors, one of the most vulnerable populations, is what has made her life's work truly special.

On a personal note, I have been blessed to know Kay Hind for many years and I can say without reservation that she is one of the most passionate and warmhearted individuals with whom I have had the pleasure of working. Although we will miss her leadership with the SOWEGA Council on Aging, we are consoled knowing that this will only free up more time for her to continue to be involved in the community and enjoy some well-deserved relaxation.

Mr. Speaker, I ask my colleagues to join me in extending our sincerest appreciation and best wishes to Kay Hind upon the occasion of her retirement from an outstanding career spanning nearly five decades with the SOWEGA Council on Aging.

SOUTH CAROLINA WASHINGTON SEMESTER PROGRAM CELEBRATES 25 YEARS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. CLYBURN. Mr. Speaker, I rise as dean of the South Carolina congressional delegation to recognize and honor the South Carolina Washington Semester Program for 25 years of offering outstanding young people from South Carolina colleges and universities the opportunity to come to Washington, D.C. to learn and serve. Each office in the delegation has benefitted from involvement with these students, who work for us in internships during the business day and earn college credits at night. The program was founded to ensure that South Carolina congressional offices had access to talented South Carolina students. These students have proven to be some of the brightest and most engaged to ever serve in our offices over the past quarter century.

The students are chosen competitively from statewide interviews and come to Washington for the academic semester. They work full time, five days a week, in placements consistent with their academic and career interests. While administered by the South Carolina Honors College, this is truly a statewide program and is larger than a single school. Over the years, high achieving students from The Citadel, South Carolina State University, University of South Carolina Lancaster, College of Charleston, University of South Carolina Aiken, Clemson University, Lander University, Winthrop University, Coastal Carolina University, Wofford College, Francis Marion University, Charleston Southern University, Claflin University, University of South Carolina Upstate, and University of South Carolina Columbia have participated. Over 25 years, more than 500 students have participated in the program.

In addition to each office in the delegation, Senators LINDSEY GRAHAM and TIM SCOTT and my colleagues MARK SANFORD, JOE WILSON, JEFF DUNCAN, TREY GOWDY, and TOM RICE, over its 25 years the program has been utilized by our predecessors as well. South Carolina Washington Semester Program students have served Strom Thurmond, Fritz Hollings, Jim DeMint, Arthur Ravenel, Henry Brown, Floyd Spence, Butler Derrick, Gresham Barrett, Liz Patterson, Bob Inglis, John Spratt, Robin Tallon, and Mick Mulvaney.

South Carolina Washington Semester Program students have also served in over 88 governmental, non-profit, and private sector agencies such as the White House, CNN, C-SPAN, United States Supreme Court, Departments of Justice, Commerce, Homeland Security, Education, State, Health and Human

Services, U.S. Trade Representative, various House and Senate Committees, and many others.

I salute the students, schools, professors, placement offices and others who have contributed to 25 years of making this the best semester of students' undergraduate careers. I thank and commend each of the participating universities, and I look forward to the program's continued success in the future.

HONORING NATIONAL FOOTBALL LEAGUE GREAT JASON PAUL TAYLOR

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. HASTINGS. Mr. Speaker, I rise today to honor Mr. Jason Paul Taylor, a former Defensive End and Linebacker in the National Football League (NFL). Mr. Taylor played 15 years in the NFL, most of it with the mighty Miami Dolphins. He owns NFL records for fumble recoveries returned for touchdowns, interceptions returned for touchdowns by a defensive lineman and defensive touchdowns scored, and tied for the record in fumble recoveries.

Mr. Taylor was a four-year letterman and three-year starter for the Akron Zips of the University of Akron before being drafted in the third round in the 1997 NFL Draft by Miami. A six-time Pro Bowl selection and four time first or second team All-Pro, he was named the NFL Defensive Player of the Year in 2006. Generous in all ways, he started the Jason Taylor Foundation in 2004, dedicated to children in South Florida resulting in his receiving the Walter Payton Man of the Year Award in 2007, the only league honor that recognizes those achievements made on and off the field. He was elected to the Pro Football Hall of Fame in 2017, one of only four Dolphins players to be elected in their first year of eligibility. Following his retirement from the NFL at the end of the 2011 season, Mr. Taylor joined the ESPN television network as an analyst. He is also a board member of the NFL Players Association.

At Akron, Jason Taylor was a two-time first-team All-Mid-American Conference selection as a junior and senior, as well as an All-American pick as a junior. In 1996, he earned National Defensive Player of the Week honors for his performance against Virginia Tech, when he posted 12 tackles, two sacks, two fumble recoveries, three stops for loss and tackled a punt returner in the end zone for a safety. Taylor also started for the Akron Zips men's basketball team. In 2004, he became the third person ever inducted into Akron's Ring of Honor.

Mr. Speaker, not content to rest on his laurels, Jason's recent appearance at the YMCA of South Palm Beach County's Inspiration Breakfast generated $40,000 for the financial assistance program that lets families in need use YMCA programs. Mr. Speaker, Mr. Jason Taylor is a fine athlete and great humanitarian. I want to thank him for all that he is doing for our South Florida community. I am so truly pleased to honor him today.

IN RECOGNITION OF THE 130TH ANNIVERSARY OF SECOND BAPTIST CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. PALLONE. Mr. Speaker, I rise today to recognize the 130th Anniversary of Second Baptist Church in Long Branch, New Jersey. Its members will celebrate this milestone during Sunday service on March 12, 2017 and it is my honor to join them in marking this significant occasion.

Since its humble beginnings at the home of Ephraim Bell in 1887, Second Baptist Church has grown structurally and in membership, while continuing to provide outstanding spiritual guidance to the community. The construction of the church building where the church still stands today began in 1904, under the leadership of Rev. Asbury Smallwood. To accommodate the growing congregation over the years, an educational wing was constructed in the late 1970s and a second Sunday service was added in 2000.

Throughout its 130 year history, Second Baptist Church has also expanded its vision and service to the community. In addition to serving the spiritual needs of its members, Second Baptist Church is also home to the Portuguese congregation led by Rev. Aloisio Campos, Jr. The church has also served as a Monmouth County Head Start facility as well as a New Hope tutoring program location.

Its current pastor, Rev. Aaron N. Gibson, Sr., serves as the 13th pastor of the church and has dedicated over 20 years of service to the congregation. Under his leadership, the church has seen significant growth and remains a mainstay of the community.

Mr. Speaker, please join me in congratulating Second Baptist Church on its 130th Anniversary. Its service to the community is truly deserving of this body's recognition.

INTRODUCTION OF END RACIAL PROFILING ACT OF 2017

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the End Racial Profiling Act of 2017, along with additional cosponsors. This legislation represents a comprehensive federal commitment to healing the rift caused by racial, ethnic and religious profiling and restoring public confidence in the criminal justice system at-large. This legislation is designed to enforce the constitutional right to equal protection of the laws by changing the policies and procedures underlying the practice of discriminatory profiling.

Recent events in the wake of President Trump's Executive Orders on Immigration demonstrate that racial, ethnic and religious profiling remain dangerous and divisive issues in our communities. Airport detentions of Muslims and immigration raids targeted at the Latino community strike at the very foundation of our democracy. Though people across our nation are protesting in response to these actions, there is no substitute for comprehensive federal anti-profiling legislation.

This legislation can be traced back to the data collection efforts of the late 1990's that were designed to determine whether racial profiling was a fact versus an urban legend. Based upon the work around that legislation, by September 11, 2001, there was significant empirical evidence and wide agreement among Americans, including President Bush and Attorney General Ashcroft, that racial profiling was a tragic fact of life in the minority community and that the Federal government should take action to end the practice. Moreover, many in the law enforcement community have acknowledged that singling out people for heightened scrutiny based on their race, ethnicity, religion, or national origin had eroded the trust in law enforcement necessary to appropriately serve and protect our communities.

Despite the fact that the majority of law enforcement officers perform their duties professionally and without bias, and we value their service highly, the specter of discriminatory profiling has contaminated the relationship between the police and minority communities to such a degree that Federal action is justified to begin addressing the issue.

The End Racial Profiling Act is designed to eliminate the well documented problem of racial, ethnic, religious, gender, sexual orientation, gender identity and national origin profiling. First, the bill provides a prohibition on racial profiling, enforceable by declaratory or injunctive relief. Second, the bill mandates that training on racial profiling issues as part of Federal law enforcement training, the collection of data on all routine or spontaneous investigatory activities that is to be submitted through a standardized form to the Department of Justice. Third, the Justice Department is authorized to provide grants for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Finally, the Attorney General is required to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

In recent years the deaths of Walter L. Scott, arising from a traffic stop, Michael Brown, Eric Garner, and Antonio Zambrano-Montes, all at the hands of police officers, have highlighted the link between the issues of race and reasonable suspicion of criminal conduct. These individuals were denied the basic respect and equal treatment that is the right of every American. Ultimately, these men are tragic examples of the risk of being victimized by a perception of criminality simply because of their race, ethnicity, religion or national origin. These dangerous misperceptions of criminality helped to cultivate an environment in which the United States government considers discriminatory and unconstitutional executive orders a reasonable use of executive power.

Decades ago, the passage of sweeping civil rights legislation made clear that race, religion and ethnicity should not affect the treatment of individual Americans under the law. The practice of using race or other characteristics as a proxy for criminality in law enforcement undermines the progress we have made toward achieving equality under the law. Please join me in supporting this legislation.

PERSONAL EXPLANATION

HON. CARLOS CURBELO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 2017

Mr. CURBELO of Florida. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted YEA on Roll Call No. 140.

FRED D. THOMPSON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

SPEECH OF

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2017

Mrs. BLACKBURN. Mr. Speaker, Fred Thompson was a neighbor and trusted friend.

He was embraced by the people of Tennessee because of his dedication to first principles and strong conservative values.

To most Americans, he was an actor, usually taking roles that exuded confidence and integrity.

To those of us that knew him personally, he was a devoted public servant that spent a large part of his life service to the people of the United States.

He began his public career as an assistant U.S. attorney in Tennessee before working with Senator Howard Baker, a man who was a role model for generations of Tennesseans looking to serve the American people.

He would go on to spend 8 years in the U.S. Senate himself, famously touring the state of Tennessee in his red pickup truck.

After conducting a life well-lived, naming this federal courthouse to honor him is a great way to show our respect for his commitment to the people of Tennessee.

I am glad this bill to give him that honor is on the floor today, and I hope all my colleagues will join me in passing it.

Daily Digest

Senate

Chamber Action

The Senate was not in session and stands adjourned until 2:00 p.m., on Monday, March 13, 2017.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 1491–1510; and 8 resolutions, H.J. Res. 87–88; and H.Res. 189–194 were introduced. **Pages H2051–52**

Additional Cosponsors: **Pages H2053–54**

Reports Filed: Reports were filed today as follows:

H.R. 1181, to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes (H. Rept. 115–33);

H.R. 1259, to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes (H. Rept. 115–34, Part 1); and

H.R. 1367, to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes (H. Rept. 115–35, Part 1). **Pages H2050–51**

Speaker: Read a letter from the Speaker wherein he appointed Representative Jenkins (WV) to act as Speaker pro tempore for today. **Page H2023**

Lawsuit Abuse Reduction Act of 2017: The House passed H.R. 720, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, by a recorded vote of 230 ayes to 188 noes, Roll No. 158. **Pages H2025–41**

Rejected the Lofgren motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 186 ayes to 232 noes, Roll No. 157. **Pages H2039–40**

Rejected:

Soto amendment (No. 1 printed in part A of H. Rept. 115–29) that sought to reinstate the FRCP 11(c)(2) safe harbor provision to allow parties to avoid penalties by withdrawing or correcting the claims within 14 days from when the alleged violation of rule 11(b) becomes known, anytime up until the end of the discovery period (by a recorded vote of 181 ayes to 225 noes, Roll No. 153); **Pages H2030–31, H2036**

Jackson Lee amendment (No. 2 printed in part A of H. Rept. 115–29) that sought to strike the provision mandating the award of reasonable attorney's fees and costs, restoring judicial discretion to award such fees and costs, when warranted (by a recorded vote of 185 ayes to 225 noes, Roll No. 154); **Pages H2031–33, H2036–37**

Conyers amendment (No. 3 printed in part A of H. Rept. 115–29) that sought to exempt from the bill civil actions alleging any violation of a constitutional or civil right (by a recorded vote of 190 ayes to 227 noes, Roll No. 155); and **Pages H2033–35, H2037–38**

Jeffries amendment (No. 4 printed in part A of H. Rept. 115–29) that sought to exempt actions pertaining to whistleblowers (by a recorded vote of 189 ayes to 229 noes, Roll No. 156). **Pages H2035–36, H2038–39**

H. Res. 180, the rule providing for consideration of the bills (H.R. 720) and (H.R. 985) was agreed to yesterday, March 9th.

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Tuesday, March 14th for Morning Hour debate. **Page H2044**

United States Holocaust Memorial Council—Appointment: The Chair announced the Speaker's appointment of the following Members on the part of the House to the United States Holocaust Memorial Council: Representatives Deutch and Schneider. **Page H2050**

Quorum Calls—Votes: Six recorded votes developed during the proceedings of today and appearon pages H2036, H2037, H2037–38, H2038, H2039–40, H2040–41. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 1:20 p.m.

Committee Meetings

THE EFFECT OF SEQUESTRATION AND CONTINUING RESOLUTIONS ON MARINE CORPS MODERNIZATION AND READINESS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing entitled "The Effect of Sequestration and Continuing Resolutions on Marine Corps Modernization and Readiness". Testimony was heard from Lieutenant General Gary L. Thomas, Deputy Commandant for Programs and Resources, U.S. Marines.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Full Committee concluded a markup on H.R. 1293, to amend title 5, United States Code, to require that the Office of Personnel Management submit an annual report to Congress relating to the use of official time by Federal employees; H.R. 1364, the "Official Time Reform Act of 2017"; H.R. 653, the "Federal Intern Protection Act of 2017"; H.R. 680, the "Eliminating Pornography from Agencies Act"; H. Res. 38, expressing the sense of the House of Representatives that offices attached to the seat of Government should not be required to exercise their offices in the District of Columbia; and H.R. 1387, the "SOAR Reauthorization Act". The following legislation was ordered reported, as amended: H.R. 1293, H.R. 1364, and H. Res. 38. The following legislation was ordered reported, without amendment: H.R. 653, H.R. 680, and H.R. 1387.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR MONDAY, MARCH 13, 2017

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

2 p.m., Monday, March 13

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Tuesday, March 14

Senate Chamber

Program for Monday: Senate will resume consideration of the nomination of Seema Verma, of Indiana, to be Administrator of the Centers for Medicare and Medicaid Services, Department of Health and Human Services, post-cloture, and vote on confirmation of the nomination at 5:30 p.m.

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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