



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, FRIDAY, AUGUST 11, 2017

No. 135

## House of Representatives

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
August 11, 2017.

I hereby appoint the Honorable SCOTT PERRY to act as Speaker pro tempore on this day.

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

### PRAYER

Reverend Alisa Lasater Wiloo, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

God of power and peace, we pause before this pro forma session to remember all who form this great body called Congress.

We give You thanks today for each Member, their families and loved ones, for Member staffs, committee staffs, House officers and their staffs, all the support staff, security and custodial teams, interns, fellows, vendors, and contractors.

Lord, thank You, thank You for all who work tirelessly in this place.

Today, we also confess that despite our efforts, and sometimes even because of them, violence and division wreak havoc in us and our world. This week, we are especially aware, Lord, of the devastation humans have the power to unleash on one another.

God of Shalom, forgive us. Remind us that You give a far greater power: peace.

Give us today the courage to face our fears, self-honesty to recognize our role in any dispute, generosity to ensure others' needs are met, stamina and humble strength.

In other words, form us for the work of peace.

Amen and amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 481, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Virginia (Mrs. COMSTOCK) come forward and lead the House in the Pledge of Allegiance.

Mrs. COMSTOCK 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.

### VETERANS APPEALS IMPROVEMENT AND MODERNIZATION ACT OF 2017

Mrs. COMSTOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2288) to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Veterans Appeals Improvement and Modernization Act of 2017".*

### SEC. 2. REFORM OF RIGHTS AND PROCESSES RELATING TO APPEALS OF DECISIONS REGARDING CLAIMS FOR BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) DEFINITIONS.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

“(34) The term ‘agency of original jurisdiction’ means the activity which entered the original determination with regard to a claim for benefits under laws administered by the Secretary.

“(35) The term ‘relevant evidence’ means evidence that tends to prove or disprove a matter in issue.

“(36) The term ‘supplemental claim’ means a claim for benefits under laws administered by the Secretary filed by a claimant who had previously filed a claim for the same or similar benefits on the same or similar basis.”.

(b) NOTICE REGARDING CLAIMS.—Section 5103(a) of such title is amended—

(1) in paragraph (1), in the first sentence, by striking “The” and inserting “Except as provided in paragraph (3), the”;

(2) in paragraph (2)(B)(i) by striking “, a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;” and inserting “or a supplemental claim;”;

(3) by adding at the end the following new paragraph:

“(3) The requirement to provide notice under paragraph (1) shall not apply with respect to a supplemental claim that is filed within the timeframe set forth in subparagraphs (B) and (D) of section 5110(a)(2) of this title.”.

(c) MODIFICATION OF RULE REGARDING DISALLOWED CLAIMS.—Section 5103A(f) of such title is amended—

(1) by striking “reopen” and inserting “re-adjudicate”; and

(2) by striking “material” and inserting “relevant”.

(d) MODIFICATION OF DUTY TO ASSIST CLAIMANTS.—Section 5103A of such title is amended—

(1) by redesignating subsections (e) through (g) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (d) the following new subsections:

“(e) APPLICABILITY OF DUTY TO ASSIST.—(1) The Secretary's duty to assist under this section shall apply only to a claim, or supplemental claim, for a benefit under a law administered by the Secretary until the time that a claimant is provided notice of the agency of original jurisdiction's decision with respect to such claim, or

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

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



Printed on recycled paper.

H6595

supplemental claim, under section 5104 of this title.

“(2) The Secretary’s duty to assist under this section shall not apply to higher-level review by the agency of original jurisdiction, pursuant to section 5104B of this title, or to review on appeal by the Board of Veterans’ Appeals.

“(f) CORRECTION OF DUTY TO ASSIST ERRORS.—(1) If, during review of the agency of original jurisdiction decision under section 5104B of this title, the higher-level adjudicator identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision being reviewed, unless the Secretary may award the maximum benefit in accordance with this title based on the evidence of record, the higher-level adjudicator shall return the claim for correction of such error and readjudication.

“(2)(A) If the Board of Veterans’ Appeals, during review on appeal of an agency of original jurisdiction decision, identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision on appeal, unless the Secretary may award the maximum benefit in accordance with this title based on the evidence of record, the Board shall remand the claim to the agency of original jurisdiction for correction of such error and readjudication.

“(B) Remand for correction of such error may include directing the agency of original jurisdiction to obtain an advisory medical opinion under section 5109 of this title.

“(3) Nothing in this subsection shall be construed to imply that the Secretary, during the consideration of a claim, does not have a duty to correct an error described in paragraph (1) or (2) that was erroneously not identified during higher-level review or during review on appeal with respect to the claim.”.

(e) DECISIONS AND NOTICES OF DECISIONS.—Subsection (b) of section 5104 of such title is amended to read as follows:

“(b) Each notice provided under subsection (a) shall also include all of the following:

“(1) Identification of the issues adjudicated.

“(2) A summary of the evidence considered by the Secretary.

“(3) A summary of the applicable laws and regulations.

“(4) Identification of findings favorable to the claimant.

“(5) In the case of a denial, identification of elements not satisfied leading to the denial.

“(6) An explanation of how to obtain or access evidence used in making the decision.

“(7) If applicable, identification of the criteria that must be satisfied to grant service connection or the next higher level of compensation.”.

(f) BINDING NATURE OF FAVORABLE FINDINGS.—

(1) IN GENERAL.—Chapter 51 of such title is amended by inserting after section 5104 the following new section:

**“§5104A. Binding nature of favorable findings**

“Any finding favorable to the claimant as described in section 5104(b)(4) of this title shall be binding on all subsequent adjudicators within the Department, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5104 the following new item:

“5104A. Binding nature of favorable findings.”.

(g) HIGHER-LEVEL REVIEW BY AGENCY OF ORIGINAL JURISDICTION.—

(1) IN GENERAL.—Chapter 51 of such title, as amended by subsection (f), is further amended by inserting after section 5104A, as added by such subsection, the following new section:

**“§5104B. Higher-level review by the agency of original jurisdiction**

“(a) IN GENERAL.—(1) A claimant may request a review of the decision of the agency of origi-

nal jurisdiction by a higher-level adjudicator within the agency of original jurisdiction.

“(2) The Secretary shall approve each request for review under paragraph (1).

“(b) TIME AND MANNER OF REQUEST.—(1) A request for higher-level review by the agency of original jurisdiction shall be—

“(A) in writing in such form as the Secretary may prescribe; and

“(B) made within one year of the notice of the agency of original jurisdiction’s decision.

“(2) Such request may specifically indicate whether such review is requested by a higher-level adjudicator at the same office within the agency of original jurisdiction or by an adjudicator at a different office of the agency of original jurisdiction. The Secretary shall not deny such request for review by an adjudicator at a different office of the agency of original jurisdiction without good cause.

“(c) DECISION.—Notice of a higher-level review decision under this section shall be provided in writing and shall include a general statement—

“(1) reflecting whether evidence was not considered pursuant to subsection (d); and

“(2) noting the options available to the claimant to have the evidence described in paragraph (1), if any, considered by the Department.

“(d) EVIDENTIARY RECORD FOR REVIEW.—The evidentiary record before the higher-level adjudicator shall be limited to the evidence of record in the agency of original jurisdiction decision being reviewed.

“(e) DE NOVO REVIEW.—A review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the agency of original jurisdiction shall be de novo.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (f), is further amended by inserting after the item relating to section 5104A, as added by such subsection, the following new item:

“5104B. Higher-level review by the agency of original jurisdiction.”.

(h) OPTIONS FOLLOWING DECISION BY AGENCY OF ORIGINAL JURISDICTION.—

(1) IN GENERAL.—Chapter 51 of such title, as amended by subsection (g), is further amended by inserting after section 5104B, as added by such subsection, the following new section:

**“§5104C. Options following decision by agency of original jurisdiction**

“(a) WITHIN ONE YEAR OF DECISION.—(1) Subject to paragraph (2), in any case in which the Secretary renders a decision on a claim, the claimant may take any of the following actions on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision with respect to that claim:

“(A) File a request for higher-level review under section 5104B of this title.

“(B) File a supplemental claim under section 5108 of this title.

“(C) File a notice of disagreement under section 7105 of this title.

“(2)(A) Once a claimant takes an action set forth in paragraph (1), the claimant may not take another action set forth in that paragraph with respect to the same claim or same issue contained within the claim until—

“(i) the higher-level review, supplemental claim, or notice of disagreement is adjudicated; or

“(ii) the request for higher-level review, supplemental claim, or notice of disagreement is withdrawn.

“(B) Nothing in this subsection shall prohibit a claimant from taking any of the actions set forth in paragraph (1) in succession with respect to a claim or an issue contained within the claim.

“(C) Nothing in this subsection shall prohibit a claimant from taking different actions set forth in paragraph (1) with respect to different claims or different issues contained within a claim.

“(D) The Secretary may, as the Secretary considers appropriate, develop and implement a policy for claimants who—

“(i) take an action under paragraph (1);

“(ii) wish to withdraw the action before the higher-level review, supplemental claim, or notice of disagreement is adjudicated; and

“(iii) in lieu of such action take a different action under paragraph (1).

“(b) MORE THAN ONE YEAR AFTER DECISION.—In any case in which the Secretary renders a decision on a claim and more than one year has passed since the date on which the agency of original jurisdiction issues a decision with respect to that claim, the claimant may file a supplemental claim under section 5108 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (g), is further amended by inserting after the item relating to section 5104B, as added by such subsection, the following new item:

“5104C. Options following decision by agency of original jurisdiction.”.

(i) SUPPLEMENTAL CLAIMS.—

(1) IN GENERAL.—Section 5108 of such title is amended to read as follows:

**“§5108. Supplemental claims**

“(a) IN GENERAL.—If new and relevant evidence is presented or secured with respect to a supplemental claim, the Secretary shall readjudicate the claim taking into consideration all of the evidence of record.

“(b) DUTY TO ASSIST.—(1) If a claimant, in connection with a supplemental claim, reasonably identifies existing records, whether or not in the custody of a Federal department or agency, the Secretary shall assist the claimant in obtaining the records in accordance with section 5103A of this title.

“(2) Assistance under paragraph (1) shall not be predicated upon a finding that new and relevant evidence has been presented or secured.”.

(2) RULE OF CONSTRUCTION.—Section 5108 of such title, as amended by paragraph (1), shall not be construed to impose a higher evidentiary threshold than the new and material evidence standard that was in effect pursuant to such section on the day before the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by striking the item relating to section 5108 and inserting the following new item:

“5108. Supplemental claims.”.

(j) REMAND TO OBTAIN ADVISORY MEDICAL OPINION.—Section 5109 of such title is amended by adding at the end the following new subsection:

“(d)(1) The Board of Veterans’ Appeals shall remand a claim to direct the agency of original jurisdiction to obtain an advisory medical opinion from an independent medical expert under this section if the Board finds that the Veterans Benefits Administration should have exercised its discretion to obtain such an opinion.

“(2) The Board’s remand instructions shall include the questions to be posed to the independent medical expert providing the advisory medical opinion.”.

(k) RESTATEMENT OF REQUIREMENT FOR EXPEDITED TREATMENT OF RETURNED AND REMANDED CLAIMS.—

(1) IN GENERAL.—Section 5109B of such title is amended to read as follows:

**“§5109B. Expedited treatment of returned and remanded claims**

“The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the Veterans Benefits Administration of any claim that is returned by a higher-level adjudicator under section 5104B of this title or remanded by the Board of Veterans’ Appeals.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title

is amended by striking the item relating to section 5109B and inserting the following new item: “5109B. Expedited treatment of returned and remanded claims.”.

(1) **EFFECTIVE DATES OF AWARDS.**—Section 5110 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a)(1) Unless specifically provided otherwise in this chapter, the effective date of an award based on an initial claim, or a supplemental claim, of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

“(2) For purposes of determining the effective date of an award under this section, the date of application shall be considered the date of the filing of the initial application for a benefit if the claim is continuously pursued by filing any of the following, either alone or in succession:

“(A) A request for higher-level review under section 5104B of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

“(B) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

“(C) A notice of disagreement on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

“(D) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Board of Veterans’ Appeals issues a decision.

“(E) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Court of Appeals for Veterans Claims issues a decision.

“(3) Except as otherwise provided in this section, for supplemental claims received more than one year after the date on which the agency of original jurisdiction issued a decision or the Board of Veterans’ Appeals issued a decision, the effective date shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of the supplemental claim.”; and

(2) in subsection (i), in the first sentence—

(A) by striking “reopened” and inserting “readjudicated”;

(B) by striking “material” and inserting “relevant”; and

(C) by striking “reopening” and inserting “readjudication”.

(m) **DEFINITION OF AWARD OR INCREASED AWARD FOR PURPOSES OF PROVISIONS RELATING TO COMMENCEMENT OF PERIOD OF PAYMENT.**—Section 5111(d)(1) of such title is amended by striking “or reopened award” and inserting “award or award based on a supplemental claim”.

(n) **MODIFICATION OF LIMITATION ON FEES ALLOWABLE FOR REPRESENTATION.**—Section 5904(c) of such title is amended, in paragraphs (1) and (2), by striking “notice of disagreement is filed” both places it appears and inserting “claimant is provided notice of the agency of original jurisdiction’s initial decision under section 5104 of this title”.

(o) **CLARIFICATION OF BOARD OF VETERANS’ APPEALS REFERRAL REQUIREMENTS AFTER ORDER FOR RECONSIDERATION OF DECISIONS.**—Section 7103(b)(1) of title 38, United States Code, is amended by striking “heard” both places it appears and inserting “decided”.

(p) **CONFORMING AMENDMENT RELATING TO READJUDICATION.**—Section 7104(b) of such title is amended by striking “reopened” and inserting “readjudicated”.

(q) **MODIFICATION OF PROCEDURES FOR APPEALS TO BOARD OF VETERANS’ APPEALS.**—

(1) **IN GENERAL.**—Section 7105 of title 38, United States Code, is amended—

(A) in subsection (a), by striking the first sentence and inserting “Appellate review shall be initiated by the filing of a notice of disagreement in the form prescribed by the Secretary.”; (B) by amending subsection (b) to read as follows:

“(b)(1)(A) Except in the case of simultaneously contested claims, a notice of disagreement shall be filed within one year from the date of the mailing of notice of the decision of the agency of original jurisdiction pursuant to section 5104, 5104B, or 5108 of this title.

“(B) A notice of disagreement postmarked before the expiration of the one-year period shall be accepted as timely filed.

“(C) A question as to timeliness or adequacy of the notice of disagreement shall be decided by the Board.

“(2)(A) Notices of disagreement shall be in writing, shall identify the specific determination with which the claimant disagrees, and may be filed by the claimant, the claimant’s legal guardian, or such accredited representative, attorney, or authorized agent as may be selected by the claimant or legal guardian.

“(B) Not more than one recognized organization, attorney, or agent may be recognized at any one time in the prosecution of a claim.

“(C) Notices of disagreement shall be filed with the Board.

“(3) The notice of disagreement shall indicate whether the claimant requests—

“(A) a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(b) of this title;

“(B) an opportunity to submit additional evidence without a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(c) of this title; or

“(C) a review by the Board without a hearing or the submittal of additional evidence.

“(4) The Secretary shall develop a policy to permit a claimant to modify the information identified in the notice of disagreement after the notice of disagreement has been filed under this section pursuant to such requirements as the Secretary may prescribe.”;

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

“(c) If no notice of disagreement is filed in accordance with this chapter within the prescribed period, the action or decision of the agency of original jurisdiction shall become final and the claim shall not thereafter be readjudicated or allowed, except—

“(1) in the case of a readjudication or allowance pursuant to a higher-level review that was requested in accordance with section 5104B of this title;

“(2) as may otherwise be provided by section 5108 of this title; or

“(3) as may otherwise be provided in such regulations as are consistent with this title.”;

(D) by striking subsection (d) and inserting the following new subsection (d):

“(d) The Board may dismiss any appeal which fails to identify the specific determination with which the claimant disagrees.”;

(E) by striking subsection (e); and

(F) in the section heading, by striking “**notice of disagreement and**”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7105 and inserting the following new item: “7105. Filing of appeal.”.

(r) **MODIFICATION OF PROCEDURES AND REQUIREMENTS FOR SIMULTANEOUSLY CONTESTED CLAIMS.**—Subsection (b) of section 7105A of such title is amended to read as follows:

“(b)(1) The substance of the notice of disagreement shall be communicated to the other party or parties in interest and a period of thirty days shall be allowed for filing a brief or argument in response thereto.

“(2) Such notice shall be forwarded to the last known address of record of the parties con-

cerned, and such action shall constitute sufficient evidence of notice.”.

(s) **REPEAL OF PROCEDURES FOR ADMINISTRATIVE APPEALS.**—

(1) **IN GENERAL.**—Chapter 71 of such title is amended by striking section 7106.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7106.

(t) **MODIFICATIONS RELATING TO APPEALS: DOCKETS; HEARINGS.**—Section 7107 of such title is amended to read as follows:

“**§ 7107. Appeals: dockets; hearings**

“(a) **DOCKETS.**—(1) Subject to paragraph (2), the Board shall maintain at least two separate dockets.

“(2) The Board may not maintain more than two separate dockets unless the Board notifies the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives of any additional docket, including a justification for maintaining such additional docket.

“(3)(A) The Board may assign to each docket maintained under paragraph (1) such cases as the Board considers appropriate, except that cases described in clause (i) of subparagraph (B) may not be assigned to any docket to which cases described in clause (ii) of such paragraph are assigned.

“(B) Cases described in this paragraph are the following:

“(i) Cases in which no Board hearing is requested.

“(ii) Cases in which a Board hearing is requested in the notice of disagreement.

“(4) Except as provided in subsection (b), each case before the Board will be decided in regular order according to its respective place on the docket to which it is assigned by the Board.

“(b) **ADVANCEMENT ON THE DOCKET.**—(1) A case on one of the dockets of the Board maintained under subsection (a) may, for cause shown, be advanced on motion for earlier consideration and determination.

“(2) Any such motion shall set forth succinctly the grounds upon which the motion is based.

“(3) Such a motion may be granted only—

“(A) if the case involves interpretation of law of general application affecting other claims;

“(B) if the appellant is seriously ill or is under severe financial hardship; or

“(C) for other sufficient cause shown.

“(c) **MANNER AND SCHEDULING OF HEARINGS FOR CASES ON A DOCKET THAT MAY INCLUDE A HEARING.**—(1) For cases on a docket maintained by the Board under subsection (a) that may include a hearing, in which a hearing is requested in the notice of disagreement, the Board shall notify the appellant whether a Board hearing will be held—

“(A) at its principal location; or

“(B) by picture and voice transmission at a facility of the Department where the Secretary has provided suitable facilities and equipment to conduct such hearings.

“(2)(A) Upon notification of a Board hearing at the Board’s principal location as described in subparagraph (A) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (B) of such paragraph. If so requested, the Board shall grant such request.

“(B) Upon notification of a Board hearing by picture and voice transmission as described in subparagraph (B) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (A) of such paragraph. If so requested, the Board shall grant such request.

“(d) **SCREENING OF CASES.**—Nothing in this section shall be construed to preclude the screening of cases for purposes of—

“(1) determining the adequacy of the record for decisional purposes; or

“(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.

“(e) **POLICY ON CHANGING DOCKETS.**—The Secretary shall develop and implement a policy allowing an appellant to move the appellant’s case from one docket to another docket.”.

(u) **REPEAL OF CERTAIN AUTHORITY FOR INDEPENDENT MEDICAL OPINIONS.**—

(1) **IN GENERAL.**—Section 7109 of such title is repealed.

(2) **CONFORMING AMENDMENT.**—Section 5701(b)(1) of such title is amended by striking “or 7109”.

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7109.

(v) **CLARIFICATION OF PROCEDURES FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR.**—Section 7111(e) of such title is amended by striking “, without referral to any adjudicative or hearing official acting on behalf of the Secretary”.

(w) **EVIDENTIARY RECORD BEFORE BOARD OF VETERANS’ APPEALS.**—

(1) **IN GENERAL.**—Chapter 71 of such title is amended by adding at the end the following new section:

**“§ 7113. Evidentiary record before the Board of Veterans’ Appeals**

“(a) **CASES WITH NO REQUEST FOR A HEARING OR ADDITIONAL EVIDENCE.**—For cases in which a hearing before the Board of Veterans’ Appeals is not requested in the notice of disagreement and no request was made to submit evidence, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

“(b) **CASES WITH A REQUEST FOR A HEARING.**—(1) Except as provided in paragraph (2), for cases in which a hearing is requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

“(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

“(A) Evidence submitted by the appellant and his or her representative, if any, at the Board hearing.

“(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following the Board hearing.

“(c) **CASES WITH NO REQUEST FOR A HEARING AND WITH A REQUEST FOR ADDITIONAL EVIDENCE.**—(1) Except as provided in paragraph (2), for cases in which a hearing is not requested in the notice of disagreement but an opportunity to submit evidence is requested, the evidentiary record before the Board shall be limited to the evidence considered by the agency of original jurisdiction in the decision on appeal.

“(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

“(A) Evidence submitted by the appellant and his or her representative, if any, with the notice of disagreement.

“(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following receipt of the notice of disagreement.”.

(2) **NOTIFICATION WHEN EVIDENCE NOT CONSIDERED.**—Section 7104(d) of such title is amended—

(A) in paragraph (1), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) a general statement—

“(A) reflecting whether evidence was not considered in making the decision because the evidence was received at a time when not permitted under section 7113 of this title; and

“(B) noting such options as may be available for having the evidence considered by the Department; and”.

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 71 of such title is amended by inserting after the item relating to section 7112 the following new item:

“7113. Evidentiary record before the Board of Veterans’ Appeals.”.

(x) **APPLICABILITY.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to all claims for which notice of a decision under section 5104 of title 38, United States Code, is provided by the Secretary of Veterans Affairs on or after the later of—

(A) the date that is 540 days after the date of the enactment of this Act; and

(B) the date that is 30 days after the date on which the Secretary of Veterans Affairs submits to the appropriate committees of Congress—

(i) a certification that the Secretary confirms, without delegation, that the Department of Veterans Affairs has the resources, personnel, office space, procedures, and information technology required—

(I) to carry out the new appeals system;

(II) to timely address appeals under the new appeals system; and

(III) to timely address appeals of decisions on legacy claims; and

(ii) a summary of the expectations for performance outcomes that the Secretary used in making the certification under clause (i)(III) and a comparison of such expected performance outcomes with actual performance outcomes with respect to appeals of legacy claims before the effective date of the new appeals system.

(2) **COLLABORATION.**—In determining whether and when to make a certification under paragraph (1)(B), the Secretary shall collaborate with, partner with, and give weight to the advice of veterans service organizations and such other stakeholders as the Secretary considers appropriate.

(3) **EARLY APPLICABILITY.**—The Secretary may apply the new appeals system to a claim with respect to which the claimant—

(A) receives a notice of a decision under section 5104 of such title after the date of the enactment of this Act and before the applicability date set forth in paragraph (1); and

(B) elects to subject the claim to the new appeals system.

(4) **PHASED ROLLOUT.**—The Secretary may begin implementation of the new appeals system in phases, with the first phase of such phased implementation beginning on the applicability date set forth in paragraph (1).

(5) **TREATMENT OF LEGACY CLAIMS.**—With respect to legacy claims, upon the issuance to a claimant of a statement of the case or supplemental statement of the case occurring on or after the applicability date specified in paragraph (1), a claimant may elect to participate in the new appeals system.

(6) **PUBLICATION OF APPLICABILITY DATE.**—Not later than the date on which the new appeals system goes into effect (or the first phase of the new appeals system goes into effect under paragraph (4), as the case may be), the Secretary shall publish in the Federal Register such date.

(7) **DEFINITIONS.**—In this subsection:

(A) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(i) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate; and

(ii) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives.

(B) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any

organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(y) **RULE OF CONSTRUCTION.**—Nothing in this section or any of the amendments made by this section shall be construed to limit the ability of a claimant to request a revision of a decision under section 5109A or 7111 of title 38, United States Code.

**SEC. 3. COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND IMPLEMENTING NEW APPEALS SYSTEM.**

(a) **PLAN REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress and the Comptroller General of the United States a comprehensive plan for—

(1) the processing of appeals of decisions on legacy claims that the Secretary considers pending;

(2) implementing the new appeals system;

(3) timely processing, under the new appeals system, of—

(A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i);

(B) requests for higher-level review under section 5104B of such title, as added by section 2(g); and

(C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(t); and

(4) monitoring the implementation of the new appeals system, including metrics and goals—

(A) to track the progress of the implementation;

(B) to evaluate the efficiency and effectiveness of the implementation; and

(C) to identify potential issues relating to the implementation.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans’ Appeals, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.

(2) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—

(A) period in which the Administration and the Board are concurrently processing—

(i) appeals of decisions on legacy claims; and

(ii) appeals of decisions on non-legacy claims under the new appeals system; and

(B) the period during which the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(3) Identification of the legal authorities under which the Administration or the Board may—

(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and

(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(4) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees.

(5) A description of the amount of training and experience that will be required of individuals conducting higher-level reviews under section 5104B of title 38, United States Code, as added by section 2(g).

(6) An estimate of the percentage of higher-level adjudicators who will be employees of the

Department of Veterans Affairs who were Decision Review Officers on the day before the new appeals system takes effect or had experience, as of such date, comparable to that of one who was a Decision Review Officer.

(7) A description of the functions that will be performed after the date on which the new appeals system takes effect by Decision Review Officers who were Decision Review Officers on the day before the date the new appeals system takes effect.

(8) Identification of and a timeline for—

(A) any training that may be required as a result of hiring new employees to carry out the new appeals system or to process appeals of decisions on legacy claims; and

(B) any retraining of existing employees that may be required to carry out such system or to process such claims.

(9) Identification of the costs to the Department of Veterans Affairs of the training identified under paragraph (8) and any additional training staff and any additional training facilities that will be required to provide such training.

(10) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.

(11) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including—

(A) an estimate of the amount of time the Administration and the Board will require to acquire any additional office space to carry out processing of appeals of decisions on legacy claims and processing of appeals under the new appeals system;

(B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and

(C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.

(12) Projections for the productivity of individual employees at the Administration and the Board in carrying out tasks relating to the processing of appeals of decisions on legacy claims and appeals under the new appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).

(13) An outline of the outreach the Secretary expects to conduct to inform veterans, families of veterans, survivors of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about the new appeals system, including—

(A) a description of the resources required to conduct such outreach; and

(B) timelines for conducting such outreach.

(14) Timelines for updating any policy guidance, Internet websites, and official forms that may be necessary to carry out the new appeals system, including—

(A) identification of which offices and entities will be involved in efforts relating to such updating; and

(B) historical information about how long similar update efforts have taken.

(15) A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.

(16) An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to

have their appeals reviewed under the new appeals system.

(17) A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.

(18) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.

(C) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) IN GENERAL.—Not later than 90 days after the Comptroller General of the United States receives the plan required by subsection (a), the Comptroller General shall—

(A) assess such plan; and

(B) notify the appropriate committees of Congress of the findings of the Comptroller General with respect to the assessment conducted under subparagraph (A).

(2) ELEMENTS.—The assessment conducted under paragraph (1)(A) shall include the following:

(A) An assessment of whether the plan comports with sound planning practices.

(B) Identification of any gaps in the plan.

(C) Formulation of such recommendations as the Comptroller General considers appropriate.

(d) PERIODIC PROGRESS REPORTS.—Not later than 90 days after the date on which the Secretary submits the plan under subsection (a), not less frequently than once every 90 days thereafter until the applicability date set forth in section 2(x)(1), and not less frequently than once every 180 days thereafter for the seven-year period following such applicability date, the Secretary shall submit to the appropriate committees of Congress and the Comptroller General a report on the progress of the Secretary in carrying out the plan and what steps, if any, the Secretary has taken to address any recommendations formulated by the Comptroller General pursuant to subsection (c)(2)(C).

(e) PUBLICATION.—The Secretary shall make available to the public on an Internet website of the Department of Veterans Affairs—

(1) the plan required by subsection (a); and

(2) the periodic progress reports required by subsection (d).

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives.

**SEC. 4. PROGRAMS TO TEST ASSUMPTIONS RELIED ON IN DEVELOPMENT OF COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND SUPPORTING NEW APPEALS SYSTEM.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may carry out such programs as the Secretary considers appropriate to test any assumptions relied upon in developing the comprehensive plan required by section 3(a) and to test the feasibility and advisability of any facet of the new appeals system.

(2) REPORTING REQUIRED.—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals system are necessary, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives notice of such determination.

(b) DEPARTMENT OF VETERANS AFFAIRS PROGRAM ON FULLY DEVELOPED APPEALS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, under subsection (a)(1), carry out a program to provide the option of an alternative appeals process that shall more quickly determine such appeals in accordance with this subsection.

(2) ELECTION.—

(A) FILING.—In accordance with subparagraph (B), a claimant may elect to file a fully developed appeal under the program by filing with the Secretary all of the following:

(i) The notice of disagreement under chapter 71 of title 38, United States Code, along with the written election of the claimant to have the appeal determined under the program.

(ii) All evidence that the claimant believes is needed for the appeal as of the date of the filing.

(iii) A statement of the argument in support of the claim, if any.

(B) TIMING.—A claimant shall make an election under subparagraph (A) as part of the notice of disagreement filed by the claimant in accordance with subparagraph (A)(i).

(C) TRIAGE.—The Secretary shall, upon expiration of the period specified in paragraph (3)(C)(iii), ensure that an assessment is undertaken of whether an appeal filed under subparagraph (A) of this paragraph satisfies the requirements for appeal under the program and provide appropriate notification to the claimant of the results of that assessment.

(D) REVERSION.—

(i) ELECTED REVERSION.—At any time, a claimant who makes an election under subparagraph (A) may elect to revert to the standard appeals process. Such a reversion shall be final.

(ii) AUTOMATIC REVERSION.—A claimant described in clause (i), or a claimant who makes an election under subparagraph (A) but is later determined to be ineligible for the program under paragraph (1), shall revert to the standard appeals process without any penalty to the claimant other than the loss of the docket number associated with the fully developed appeal.

(E) OUTREACH.—In providing claimants with notices of the determination of a claim during the period in which the program under paragraph (1) is carried out, the Secretary shall conduct outreach as follows:

(i) The Secretary shall provide to the claimant (and to the representative of record of the claimant, if any) information regarding—

(I) the program, including the advantages and disadvantages of the program;

(II) how to make an election under subparagraph (A);

(III) the limitation on the use of new evidence described in subparagraph (C) of paragraph (3) and the development of information under subparagraph (D) of such paragraph;

(IV) the ability of the claimant to seek advice and education regarding such process from veterans service organizations, attorneys, and claims agents recognized under chapter 59 of title 38, United States Code; and

(V) the circumstances under which the appeal will automatically revert to the standard appeals process, including by making a request for a hearing.

(ii) The Secretary shall collaborate, partner with, and give weight to the advice of the three veterans service organizations with the most members and such other stakeholders as the Secretary considers appropriate to publish on the Internet website of the Department of Veterans Affairs an online tutorial explaining the advantages and disadvantages of the program.

(3) TREATMENT BY DEPARTMENT AND BOARD.—

(A) PROCESS.—Upon the election of a claimant to file a fully developed appeal pursuant to paragraph (2)(A), the Secretary shall—

(i) not provide the claimant with a statement of the case nor require the claimant to file a substantive appeal; and

(ii) transfer jurisdiction over the fully developed appeal directly to the Board of Veterans’ Appeals.

(B) DOCKET.—

(i) IN GENERAL.—The Board of Veterans' Appeals shall—

(I) maintain fully developed appeals on a separate docket than standard appeals;

(II) decide fully developed appeals in the order that the fully developed appeals are received on the fully developed appeal docket;

(III) except as provided by clause (ii), decide not more than one fully developed appeal for each four standard appeals decided; and

(IV) to the extent practicable, decide each fully developed appeal by the date that is one year following the date on which the claimant files the notice of disagreement.

(ii) ADJUSTMENT.—Beginning one year after the date on which the program commences, the Board may adjust the number of standard appeals decided for each fully developed appeal under clause (i)(III) if the Board determines that such adjustment is fair for both standard appeals and fully developed appeals.

(C) LIMITATION ON USE OF NEW EVIDENCE.—

(i) IN GENERAL.—Except as provided by clauses (ii) and (iii)—

(I) a claimant may not submit or identify to the Board of Veterans' Appeals any new evidence relating to a fully developed appeal after filing such appeal unless the claimant reverts to the standard appeals process pursuant to paragraph (2)(D); and

(II) if a claimant submits or identifies any such new evidence, such submission or identification shall be deemed to be an election to make such a reversion pursuant to paragraph (2)(D).

(ii) EVIDENCE GATHERED BY BOARD.—Clause (i) shall not apply to evidence developed pursuant to subparagraphs (D) and (E). The Board shall consider such evidence in the first instance without consideration by the Veterans Benefits Administration.

(iii) REPRESENTATIVE OF RECORD.—The representative of record of a claimant for appeals purposes, if any, shall be provided an opportunity to review the fully developed appeal of the claimant and submit any additional arguments or evidence that the representative determines necessary during a period specified by the Board for purposes of this subparagraph.

(D) PROHIBITION ON REMAND FOR ADDITIONAL DEVELOPMENT.—If the Board of Veterans' Appeals determines that a fully developed appeal requires Federal records, independent medical opinions, or new medical examinations, the Board shall—

(i) in accordance with subparagraph (E), take such actions as may be necessary to develop such records, opinions, or examinations in accordance with section 5103A of title 38, United States Code;

(ii) retain jurisdiction of the fully developed appeal without requiring a determination by the Veterans Benefits Administration based on such records, opinions, or examinations;

(iii) ensure the claimant, and the representative of record of a claimant, if any, receives a copy of such records, opinions, or examinations; and

(iv) provide the claimant a period of 90 days after the date of mailing such records, opinions, or examinations during which the claimant may provide the Board any additional evidence without requiring the claimant to make a reversion pursuant to paragraph (2)(D).

(E) DEVELOPMENT UNIT.—

(i) ESTABLISHMENT.—The Board of Veterans' Appeals shall establish an office to develop Federal records, independent medical opinions, and new medical examinations pursuant to subparagraph (D)(i) that the Board determines necessary to decide a fully developed appeal.

(ii) REQUIREMENTS.—The Secretary shall—

(I) ensure that the Veterans Benefits Administration cooperates with the Board of Veterans' Appeals in carrying out clause (i); and

(II) transfer employees of the Veterans Benefits Administration who, prior to the enactment

of this Act, were responsible for processing claims remanded by the Board of Veterans' Appeals to positions within the office of the Board established under clause (i) in a number the Secretary determines sufficient to carry out such subparagraph.

(F) HEARINGS.—Notwithstanding section 7107 of title 38, United States Code, the Secretary may not provide hearings with respect to fully developed appeals under the program. If a claimant requests to hold a hearing pursuant to such section 7107, such request shall be deemed to be an election to revert to the standard appeals process pursuant to paragraph (2)(D).

(4) DURATION; APPLICABILITY.—

(A) DURATION.—Subject to subsection (c), the Secretary may carry out the program during such period as the Secretary considers appropriate.

(B) APPLICABILITY.—This section shall apply only to fully developed appeals that are filed during the period in which the program is carried out pursuant to subparagraph (A).

(5) DEFINITIONS.—In this subsection:

(A) COMPENSATION.—The term "compensation" has the meaning given that term in section 101 of title 38, United States Code.

(B) FULLY DEVELOPED APPEAL.—The term "fully developed appeal" means an appeal of a claim for disability compensation that is—

(i) filed by a claimant in accordance with paragraph (2)(A); and

(ii) considered in accordance with this subsection.

(C) STANDARD APPEAL.—The term "standard appeal" means an appeal of a claim for disability compensation that is not a fully developed appeal.

(c) TERMINATION OF AUTHORITY.—The Secretary of Veterans Affairs may not carry out a program under this section after the applicability date set forth in section 2(x)(1).

**SEC. 5. PERIODIC PUBLICATION OF METRICS RELATING TO PROCESSING OF APPEALS BY DEPARTMENT OF VETERANS AFFAIRS.**

The Secretary of Veterans Affairs shall periodically publish on an Internet website of the Department of Veterans Affairs the following:

(1) With respect to the processing by the Secretary of appeals under the new appeals system of decisions regarding claims for benefits under laws administered by the Secretary, the following:

(A) For the Veterans Benefits Administration and, to the extent practicable, each regional office of the Department of Veterans Affairs, the number of—

(i) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i), that are pending; and

(ii) requests for higher-level review under section 5104B of such title, as added by section 2(g), that are pending.

(B) The number of appeals on any docket maintained under section 7107 of such title, as amended by section 2(b), that are pending.

(C) The average duration for processing claims and supplemental claims, disaggregated by regional office.

(D) The average duration for processing requests for higher-level review under section 5104B of such title, as added by section 2(g), disaggregated by regional office.

(E) The average number of days that appeals are pending on a docket of the Board of Veterans' Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), disaggregated by—

(i) appeals that include a request for a hearing;

(ii) appeals that do not include a request for a hearing and do include submittal of evidence; and

(iii) appeals that do not include a request for a hearing and do not include submittal of evidence.

(F) With respect to the policy developed and implemented under section 7107(e) of such title, as amended by section 2(t)—

(i) the number of cases moved from one docket to another pursuant to such policy;

(ii) the average time cases were pending prior to moving from one docket to another; and

(iii) the average time to adjudicate the cases after so moving.

(G) The total number of remands to obtain advisory medical opinions under section 5109(d) of title 38, United States Code, as added by section 2(j).

(H) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the advisory medical opinion is obtained.

(I) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the agency of original jurisdiction issues a decision taking that advisory opinion into account.

(J) The number of appeals that are granted, the number of appeals that are remanded, and the number of appeals that are denied by the Board disaggregated by docket.

(K) The number of claimants each year that take action within the period set forth in section 5110(a)(2) of such title, as added by section 2(l), to protect their effective date under such section 5110(a)(2), disaggregated by the status of the claimants taking the actions, such as whether the claimant is represented by a veterans service organization, the claimant is represented by an attorney, or the claimant is taking such action pro se.

(L) The total number of times on average each claimant files under section 5110(a)(2) of such title, as so added, to protect their effective date under such section, disaggregated by the subparagraph of such section under which they file.

(M) The average duration, from the filing of an initial claim until the claim is resolved and claimants no longer take any action to protect their effective date under section 5110(a)(2) of such title, as so added—

(i) of claims under the new appeals system, excluding legacy claims that opt in to the new appeals system; and

(ii) of legacy claims that opt in to the new appeals system.

(N) How frequently an action taken within one year to protect an effective date under section 5110(a)(2) of such title, as so added, leads to additional grant of benefits, disaggregated by action taken.

(O) The average of how long it takes to complete each segment of the claims process while claimants are protecting the effective date under such section, disaggregated by the time waiting for the claimant to take an action and the time waiting for the Secretary to take an action.

(P) The number and the average amount of retroactive awards of benefits from the Secretary as a result of protected effective dates under such section, disaggregated by action taken.

(Q) The average number of times claimants submit to the Secretary different claims with respect to the same condition, such as an initial claim and a supplemental claim.

(R) The number of cases each year in which a claimant inappropriately tried to take simultaneous actions, such as filing a supplemental claim while a higher-level review is pending, what actions the Secretary took in response, and how long it took on average to take those actions.

(S) In the case that the Secretary develops and implements a policy under section 5104C(a)(2)(D) of such title, as amended by section 2(h)(1), the number of actions withdrawn and new actions taken pursuant to such policy.

(T) The number of times the Secretary received evidence relating to an appeal or higher-level review at a time not authorized under the new appeals system, disaggregated by actions



taken by the Secretary to deal with the evidence and how long on average it took to take those actions.

(U) The number of errors committed by the Secretary in carrying out the Secretary's duty to assist under section 5103A of title 38, United States Code, that were identified by higher-level review and by the Board, disaggregated by type of error, such as errors relating to private records and inadequate examinations, and a comparison with errors committed by the Secretary in carrying out such duty with respect to appeals of decisions on legacy claims.

(V) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(W) The percentage of cases that are decided within the goals established by the Secretary for deciding cases, disaggregated by cases that involve a supplemental claim, cases that involve higher-level review, and by docket maintained under section 7107(a) of such title, as amended by section 2(t), or in the case that the Secretary has not established goals for deciding cases, the percentage of cases which are decided within one year, two years, three years, and more than three years, disaggregated by docket.

(X) Of the cases that involve higher-level review, the percentage of decisions that are overturned in whole or in part by the higher-level adjudicator, that are upheld by the higher-level adjudicator, and that are returned for correction of an error.

(Y) The frequency by which the Secretary readjudicates a claim pursuant to section 5108 of such title, as amended by section 2(i), and the frequency by which readjudication pursuant to section 5108 of such title, as so amended, results in an award of benefits.

(Z) In any case in which the Board decides to screen cases for a purpose described in section 7107(d) of such title, as amended by section 2(t)(1)—

(i) a description of the way in which the cases are screened and the purposes for which they are screened;

(ii) a description of the effect such screening has had on—

(I) the timeliness of the issuance of decisions of the Board; and

(II) the inventory of cases before the Board; and

(iii) the type and frequency of development errors detected through such screening.

(2) With respect to the processing by the Secretary of appeals of decisions on legacy claims, the following:

(A) The average duration of each segment of the appeals process, disaggregated by periods in which the Secretary is waiting for a claimant to take an action and periods in which the claimant is waiting for the Secretary to take an action.

(B) The frequency by which appeals lead to additional grant of benefits by the Secretary, disaggregated by whether the additional benefits are a result of additional evidence added after the initial decision.

(C) The number and average amount of retroactive awards of benefits resulting from an appeal.

(D) The average duration from filing a legacy claim with the Secretary until all appeals and remands relating to such legacy claim are completed.

(E) The average number of times claimants submit to the Secretary different claims with respect to the same condition, such as an initial claim, new and material evidence, or a claim for an increase in benefits.

(F) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(G) The average number of days the duration of an appeal is extended because the Secretary secured or attempted to secure an advisory med-

ical opinion under section 5109 of title 38, United States Code, or section 7109 of such title (as in effect on the day before the date of the enactment of this Act).

(H) The frequency by which claims are reopened pursuant to section 5108 of such title and the frequency by which such reopening results in an award of benefits.

(3) With respect to the processing by the Secretary of appeals of decisions on legacy claims that opt in to the new appeals system, the following:

(A) The cumulative number of such legacy claims.

(B) The portion of work in the new appeals system attributable to appeals of decisions on such legacy claims.

(C) The average period such legacy claims were pending before opting in to the new appeals system and the average period required to adjudicate such legacy claims on average after opting in—

(i) with respect to claims at a regional office of the Department of Veterans Affairs, disaggregated by—

(I) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i); and

(II) requests for higher-level review under section 5104B of such title, as added by section 2(g); and

(ii) with respect to appeals, disaggregated by docket of the Board maintained under section 7107 of such title, as amended by section 2(t).

#### SEC. 6. DEFINITIONS.

In this Act:

(1) CLAIMANT.—The term “claimant” has the meaning given such term in section 5100 of title 38, United States Code.

(2) LEGACY CLAIMS.—The term “legacy claim” means a claim—

(A) that was submitted to the Secretary of Veterans Affairs for a benefit under a law administered by the Secretary; and

(B) for which notice of a decision under section 5104 of title 38, United States Code, was provided by the Secretary before the date set forth in section 2(x).

(3) OPT IN.—The term “opt in” means, with respect to a legacy claim of a claimant, that the claimant elects to subject the claim to the new appeals system pursuant to—

(A) section 2(x)(3); or

(B) such other mechanism as the Secretary may prescribe for purposes of carrying out this Act and the amendments made by this Act.

(4) NEW APPEALS SYSTEM.—The term “new appeals system” means the set of processes and mechanisms by which the Secretary processes, pursuant to the authorities and requirements modified by section 2, claims for benefits under laws administered by the Secretary.

Mrs. COMSTOCK (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### NORTHERN MARIANA ISLANDS ECONOMIC EXPANSION ACT

Mrs. COMSTOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 339) to amend Public Law 94-241 with respect

to the Northern Mariana Islands, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Beginning on page 2, strike line 19, and all that follows through the end and insert the following:

(B) by striking “‘ending on December 31, 2019.’” and inserting “‘ending on December 31, 2019, except that for fiscal year 2017 an additional 350 permits shall be made available for extension of existing permits, expiring after the date of enactment of the Northern Mariana Islands Economic Expansion Act through September 30, 2017, of which no fewer than 60 shall be reserved for healthcare practitioners and technical operations (as that term is defined by the Department of Labor as Standard Occupational Classification Group 29-0000 or any successor provision), and no fewer than 10 shall be reserved for plant and system operators (as that term is defined by the Department of Labor as Standard Occupational Classification Group 51-8000 or any successor provision).’”.

Mrs. COMSTOCK (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### ENROLLED JOINT RESOLUTION SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker on Monday, August 7, 2017:

H.J. Res 76. Joint resolution granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission.

#### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 481, the House stands adjourned until 9:30 a.m. on Tuesday, August 15, 2017.

Thereupon (at 9 o'clock and 7 minutes a.m.), under its previous order, the House adjourned until Tuesday, August 15, 2017, at 9:30 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

2197. A letter from the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule — Designation of Alpha-

Phenylacetone nitrile (APAAN), a Precursor Chemical Used in the Illicit Manufacture of Phenylacetone, Methamphetamine, and Amphetamine, as a List I Chemical [Docket No.: DEA-379] (RIN: 1117-ZA04) received August 1, 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.

2198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approvals, Idaho: Logan Utah/Idaho PM2.5 Nonattainment Area [EPA-R10-OAR-2015-0067; FRL-9965-67-Region 10] received August 4, 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.

2199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Alaska: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards [EPA-R10-OAR-2017-0040; FRL-9965-76-Region 10] received August 4, 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.

2200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Florida: Infrastructure Requirements for the 2010 NO<sub>2</sub> NAAQS [EPA-R04-OAR-2014-0507; FRL-9965-83-Region 4] received August 4, 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.

2201. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Mississippi: Prevention of Significant Deterioration Updates [EPA-R04-OAR-2017-0188; FRL-9965-70-Region 4] received August 4, 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.

2202. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; SC: Revisions to New Source Review Rules [EPA-R04-OAR-2016-0547; FRL-9965-85-Region 4] received August 4, 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.

2203. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regional Haze Five-Year Progress Report State Implementation Plan [EPA-R03-OAR-2016-0267; FRL-9965-73-Region 3] received August 4, 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.

2204. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Allegheny County Regulations for Open Burning [EPA-R03-OAR-2017-0204; FRL-9965-75-Region 3] received August 4, 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.

2205. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of California Air

Plan Revisions, Placer County Air Pollution Control District [EPA-R09-OAR-2017-0218; FRL-9965-90-Region 9] received August 4, 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.

2206. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-125, "Childhood Lead Exposure Prevention Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

2207. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-126, "Duvall Court Designation Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

2208. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-127, "Ebenezer Court Designation Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

2209. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-128, "Inclusionary Zoning Consistency Amendment Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

2210. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-129, "Brishell Jones Way Designation Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

2211. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-139, "Glick Court Designation Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

2212. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-140, "McGill Alley Designation Act of 2017", pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

2213. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Sufficiency Certification for the Washington Convention and Sports Authority (Trading As Events DC) Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2018."; to the Committee on Oversight and Government Reform.

2214. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "The Department of General Services Needs Guidance and Assistance to Develop Effective Internal Controls"; to the Committee on Oversight and Government Reform.

2215. A letter from the Attorney, CG-LRA, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; St. Louis River (Duluth-Superior Harbor), between the towns of Duluth, MN and Superior, WI [Docket No.: USCG-2017-0212] (RIN: 1625-AA09) received August 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2216. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Security Zone; Atlantic Ocean, Ft. Lauderdale, FL [Docket No.: USCG-2017-0670] (RIN: 1625-AA87) received August 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2217. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Marine City Maritime Festival Water Ski Show, St. Clair River, Marine City, MI [Docket No.: USCG-2017-0688] (RIN: 1625-AA00) received August 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2218. A letter from the Attorney, CG-LRA, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Connecticut River, East Haddam, CT [Docket No.: USCG-2016-1006] (RIN: 1625-AA09) received August 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2219. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; 28th Annual Lake Erie Open Water Swim; Lake Erie, Cleveland, OH [Docket No.: USCG-2017-0675] (RIN: 1625-AA00) received August 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2220. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Lake Michigan, Calumet Harbor, Chicago, IL [Docket No.: USCG-2017-0581] (RIN: 1625-AA00) received August 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

## 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. LUETKEMEYER (for himself, Mr. BOST, Mr. CLAY, Mr. RODNEY DAVIS of Illinois, and Mr. SESSIONS):

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to protect employees in the building and construction industry who are participants in multiemployer plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NOEM:

H.R. 3649. A bill to amend the Food Security Act of 1985 with respect to annual estimates under the conservation reserve program; to the Committee on Agriculture.

By Mr. PITTENGER (for himself and Mr. HUDSON):

H.R. 3650. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mrs. RADEWAGEN:

H.R. 3651. A bill to require the Comptroller General of the United States to conduct a feasibility study on renovating or replacing the Lyndon B. Johnson Tropical Medical Center with a new or updated facility; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself and Mr. CROWLEY):



H.R. 3652. A bill to amend the Internal Revenue Code of 1986 to make the work opportunity credit permanent; to the Committee on Ways and Means.

#### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

103. The SPEAKER presented a memorial of the Legislature of the State of New Mexico, relative to House Joint Resolution 10, rescinding all previous requests that the Congress of the United States call a convention of the states to propose amendments to the Constitution of the United States; to the Committee on the Judiciary.

104. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 211, opposing the nomination of Scott Pruitt as Administrator of the United States Environmental Protection Agency; jointly to the Committees on Energy and Commerce, Agriculture, Transportation and Infrastructure, and Science, Space, and Technology.

#### 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. LUETKEMEYER:

H.R. 3648.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority on which this bill rests is the power of Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common Defense and general welfare of the United States, as enumerated in Article I, Section 8, Clause 1. Additionally, Congress has the Constitutional authority to regulate commerce among the States and with Indian

Tribes, as enumerated in Article I, Section 8, Clause 3.

By Mrs. NOEM:

H.R. 3649.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. PITTENGER:

H.R. 3650.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3 states: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes . . . 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 Mrs. RADEWAGEN:

H.R. 3651.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. REED:

H.R. 3652.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 246: Mr. DONOVAN, Mr. DENHAM, and Mr. GOSAR.

H.R. 285: Mr. DENHAM.

H.R. 367: Mr. LONG.

H.R. 444: Ms. ROSEN.

H.R. 502: Mr. GOMEZ and Mr. COURTNEY.

H.R. 525: Mr. CARSON of Indiana.

H.R. 669: Mr. DANNY K. DAVIS of Illinois, Mr. CICILLINE, Mr. AL GREEN of Texas, and Mr. KHANNA.

H.R. 754: Mrs. WAGNER, Ms. LEE, and Mr. CHABOT.

H.R. 812: Mr. RASKIN, Mr. TURNER, and Mr. GONZALEZ of Texas.

H.R. 825: Mr. ZELDIN.

H.R. 887: Mr. SESSIONS.

H.R. 1090: Ms. BONAMICI.

H.R. 1414: Mr. GUTIÉRREZ.

H.R. 1485: Mr. FITZPATRICK.

H.R. 1626: Mr. PALLONE.

H.R. 1796: Ms. SLAUGHTER.

H.R. 1880: Ms. GABBARD and Mr. SMITH of Washington.

H.R. 1898: Mrs. WALORSKI.

H.R. 1955: Mr. LUETKEMEYER, Ms. SHEA-PORTER, and Mr. MARSHALL.

H.R. 1970: Mr. RUPPERSBERGER.

H.R. 2011: Mr. ZELDIN.

H.R. 2345: Mr. MESSER and Mr. SCHNEIDER.

H.R. 2366: Mr. HIGGINS of New York.

H.R. 2465: Ms. HERRERA BEUTLER and Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 2482: Mr. CUMMINGS, Mr. HIMES, and Mr. KHANNA.

H.R. 2788: Mr. GOMEZ.

H.R. 2978: Mr. GOMEZ.

H.R. 3186: Mr. LYNCH and Ms. DELBENE.

H.R. 3309: Mr. REED.

H.R. 3310: Mr. REED.

H.R. 3385: Mr. REED.

H.R. 3386: Mr. REED.

H.R. 3394: Mr. PETERS and Mr. SCHNEIDER.

H.R. 3568: Mr. JORDAN, Mrs. NAPOLITANO, and Ms. BROWNLEY of California.

H.R. 3581: Mr. ZELDIN, Mr. MACARTHUR, and Mr. KING of New York.

H. Con. Res. 75: Ms. BROWNLEY of California, Mr. GRIJALVA, Mr. HASTINGS, Mr. GONZALEZ of Texas, Ms. BARRAGAN, Ms. NORTON, Mr. DANNY K. DAVIS of Illinois, Mr. RICHMOND, Ms. CLARKE of New York, Mrs. BEATTY, Mr. TED LIEU of California, Ms. JUDY CHU of California, Ms. FUDGE, Mr. MCGOVERN, Mr. SMITH of Washington, and Ms. CASTOR of Florida.

#### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 3, August 11, 2017, by Mr. GARRETT on House Resolution 458, was signed by the following Members: Mr. Garrett, Mr. Jordan, and Mr. Perry.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, FRIDAY, AUGUST 11, 2017

No. 135

## Senate

The Senate met at 3:30 and 3 seconds p.m. and was called to order by the Honorable MITCH McCONNELL, a Senator from the Commonwealth of Kentucky.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, August 11, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MITCH McCONNELL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. McCONNELL thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,  
AUGUST 15, 2017, AT 4:30 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Tuesday, August 15, 2017, at 4:30 p.m.

Thereupon, the Senate, at 3:30 and 34 seconds p.m., adjourned until Tuesday, August 15, 2017, at 4:30 p.m.

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



Printed on recycled paper.

S4903

## EXTENSIONS OF REMARKS

### CONGRATULATING KYLIE MEIER OF THE CAMDENTON LAKERS

#### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Kylie Meier of the Camdenton Lakers for her first place win in the 300 meter hurdles at the 2017 Missouri Class 4 Girls Track and Field State Championship.

Kylie and her coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing Kylie Meier on a job well done.

### IN RECOGNITION OF PASTOR JERRY HATTER ON THE DATE OF HIS 26TH PASTORAL ANNI- VERSARY

#### HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Pastor Jerry Hatter on the date of his 26th Pastoral Anniversary Celebration. Pastor Hatter has provided spiritual guidance and leadership during his tenure as Pastor of the Brown Chapel African Methodist Episcopal Church in Ypsilanti, Michigan.

Born in Haynesville, Louisiana, Pastor Hatter moved to the Detroit area to further his education, earning an MBA from the University of Detroit in 1976. He quickly established himself as a pillar of the southeast Michigan community through his work with Ford Motor Company and in religious life. Pastor Hatter began his work with the ministry in 1986, when he began serving as a minister Deacon and later as an Associate Minister with Oak Grove AME Church in Detroit. He then graduated from Ashland Theological Seminary and began serving as a pastor for Brown Chapel AME in 1991, where he has remained for 26 years. Pastor Hatter is well-known in the community for his work and activism, providing religious guidance for the Brown Chapel congregation and leadership in caring for his community by working with organizations offering financial help, healthcare and job training. These include Good Samaritan Outreach, which provides food assistance to those in need.

Pastor Hatter's decades of service to the Ypsilanti community has helped it grow and prosper. Throughout his time with Brown Chapel, Pastor Hatter has earned a reputation as a steadfast spiritual leader and effective advocate who is dedicated to the well-being of those less fortunate. His work with the Hope Clinic, Southeastern Michigan AME Minister's Alliance and SOS Community Services has

been critical for supporting social, economic and educational well-being and promoting human dignity for all. Pastor Hatter's commitment to Ypsilanti and its residents has impacted countless lives, and it is my hope that he continues to provide leadership for Brown Chapel and the city in the coming years.

Mr. Speaker, I ask my colleagues to join me in recognizing Pastor Jerry Hatter on his 26th Pastoral Anniversary Celebration. Pastor Hatter is a force for good for southeast Michigan through his spiritual guidance and outreach.

### CONGRATULATING LUCAS KUHN OF THE CHAMOIS PIRATES

#### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Lucas Kuhn of the Chamois Pirates for his first place win in the 300 meter hurdles at the 2017 Missouri Class 1 Boys Track and Field State Championship.

Lucas and his coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing Lucas Kuhn for a job well done.

### IN RECOGNITION OF THE 70TH AN- NIVERSARY OF INDIA'S INDE- PENDENCE

#### HON. RAJA KRISHNAMOORTHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. KRISHNAMOORTHY. Mr. Speaker, today I rise to honor the 70th Anniversary of Indian Independence from the British Empire.

Seventy years ago, millions of Indians banded together for independence and rallied to attain freedom from Britain. Among them were more than 1,600 languages and dialects, eight major religions, and in excess of 350 million people. Despite these differences, they were united by a singular desire for democratic home rule. Ordinary men and women fought peacefully to realize this dream, and their victory stands as a testament to the enduring power of freedom.

Today, India stands as a beacon for what can be achieved. As the world's largest democracy and home to more than 1.3 billion people, India boasts the world's largest middle class and one of the world's highest economic growth rates. Meanwhile, India's reach extends far beyond her borders. Today, there are five Indian-American members of Congress including myself, and India has become one of the United States' largest trading partners. I see India's influence every day in the

U.S. Capitol and in my very own congressional district in Illinois. My district is nearly 10 percent Indian-American, one of the highest percentages in the country, and my constituents take pride in seeing how much their homeland has grown in prominence. We all share in the joy of seeing how far India has come, and I have no doubt that this progress will continue.

Looking ahead, India will continue to grow and become stronger for the same reason that the United States has endured: its belief in democracy, justice, free and fair elections, freedom of conscience and press, and the diversity of cultures and religions that withstood the tests of the Mughal Empire, British Rule, Partition, and globalization.

Seventy years ago, India's people dreamed of a free and democratic country. Today, that dream is a reality. Tomorrow and far into the future, that reality will endure.

I would like to honor Indian Independence Day on August 15, 2017.

### IN RECOGNITION OF MS. MARGE PRESTON FOR HER DISTIN- GUISHED CAREER IN HIGHER EDUCATION

#### HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Ms. Marge Preston for her outstanding career in higher education. Ms. Preston has served the State of Michigan and its young people well through her work with Central Michigan University and Eastern Michigan University.

Ms. Preston began her career with Central Michigan University, where she spent 27 years serving in a variety of positions, including Administrative Assistant to the Vice President for Student Affairs and Coordinator of the University's Career Resource Center. In 2003, she joined Eastern Michigan University and has served the EMU community with distinction during her tenure. She began as the university's Executive Secretary to the Vice President for University Relations, and ultimately held several positions, including Executive Assistant to the Vice President of Government and Community Relations. In this capacity, Ms. Preston managed all aspects of the GCR office, including assisting the University's legal counsel with inquiries, serving as a liaison for state and federal officials and coordinating special events and projects on behalf of the EMU Vice President.

Ms. Preston has been a tireless advocate on behalf of EMU and the Ypsilanti community at large through her service to the university. As a result of her efforts, EMU has been an effective policy advocate whose work with the state and federal government has benefitted both students and educators. Ms. Preston also received recognition throughout her career, including receiving the Central Michigan University Staff Excellence Award. She was also a

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

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

co-chair for EMU's United Way Campus Wide Drive, helping raise over \$100,000, and served on the EMU Planning Committee for Michigan Women's American Council on Education's annual meeting. She has had a tremendous impact on the direction of higher education in Michigan, and her hard work and expertise will be missed.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Marge Preston for her distinguished career in higher education. Ms. Preston has effectively served the State of Michigan and its students through her work with the state's public universities.

CONGRATULATING LUKE ALLEN  
OF THE CALVARY LUTHERAN  
LIONS

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Luke Allen from the Calvary Lutheran Lions for his first place win in the long jump and triple jump at the 2017 Missouri Class 1 Boys Track and Field State Championship.

Luke and his coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing Luke Allen for a job well done.

HONORING WESTERN SPRINGS  
VILLAGE MANAGER PAT HIG-  
GINS ON HIS RETIREMENT

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Village Manager Patrick Higgins who is retiring after 40 years of service to the Western Springs community.

Pat Higgins began his career in Western Springs as an intern during his time at Northern Illinois University, where he received both a Master of Arts and Doctorate in Public Administration. Over the years he worked his way through various administrative positions and was named village manager in 2000. His 17 years in this top position make him the longest-serving manager in village history.

Pat Higgins has also been active as an educator and has served on numerous public service committees in Chicagoland. Since 2011, he has taught as an Adjunct Professor of Public Administration at Northwestern University. He has served as president of the Chicago Chapter of the American Society for Public Administration and is the current chair of the Cook/DuPage Smart Transportation Corridors Committee and the West Central Municipal Conference's Transportation Committee. Higgins was the recipient of the 2008 and 2015 Northern Illinois University Outstanding Alumnus Award in Public Administration.

Over the years I have had the opportunity to work with Pat both in my role as a Represent-

ative and also as a resident of Western Springs. I have always admired his long dedication to the village and the region, as well as his passion for teaching. He is very thoughtful and knowledgeable person who has given a great deal as a public servant. His leadership has been a major asset to the community. I am pleased to congratulate Pat, and his wife Karron, on his retirement.

Mr. Speaker, I ask my colleagues to join me in recognizing Western Springs Village Manager Patrick Higgins for his public service. He is well deserving of praise for the energy he has dedicated to improving the community. I wish him the best in his future endeavors.

TRIBUTE TO ERNEST R. GRECCO

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. HOYER. Mr. Speaker, I rise to congratulate Ernest "Ernie" R. Grecco on being honored for his fifty-five years of service to the labor movement next Tuesday evening, August 15, in Baltimore. I have known and worked closely with Ernie, who serves as President of the Baltimore Metro AFL-CIO, for thirty years. He is one of the toughest advocates for working men and women I've ever met, who has dedicated his life and his career to achieving better pay and conditions for workers and opportunity for their families in Maryland.

Ernie has worked on behalf of labor in Maryland since 1970, when he was elected Secretary-Treasurer of what was then the Distillery Workers Local 34-D. In 1976, he became Committee on Political Education (COPE) Director for the Metropolitan Baltimore Council AFL-CIO. He went on to lead the Maryland State and District of Columbia AFL-CIO COPE from 1983-1987 before taking the helm in Baltimore. Since that time, whenever working people in the greater Baltimore area have had a challenge to overcome, Ernie's been there, leading the way and bringing to bear the forces of organized labor and its allies. Under his leadership, the Baltimore Metro AFL-CIO has expanded programs for job training, placement, and community service.

Ernie also became involved in making his community a better place by serving as the Secretary of the United Way of Maryland from 1992 until this year. He also received the Samuel Gompers Award from the American Red Cross and the Joseph Beirne Award from the United Way of America. In 1995, the International Association of Firefighters Local 734 and Local 964 established the Grecco Labor Award in Ernie's honor.

I'm proud to stand with Ernie and the hard-working men and women of labor to advocate for better wages, better conditions, and greater opportunities for all our people to make it in America. I hope my colleagues will join me in congratulating Ernie on this well deserved honor and thanking him for his service and contributions to Maryland and our country.

CONGRATULATING MIKAYLA REED  
OF THE WASHINGTON BLUE JAYS

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Mikayla Reed of the Washington Blue Jays for her first place win in the 1600 and 3200 meter run at the 2017 Missouri Class 4 Girls Track and Field State Championship.

Mikayla and her coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing Mikayla Reed on a job well done.

HONORING THE LIFE AND LEGACY  
OF ELIZABETH CADY STANTON

**HON. ELISE M. STEFANIK**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Ms. STEFANIK. Mr. Speaker, I rise today to honor and recognize one of the most influential members of the women's suffrage movement.

Elizabeth Cady Stanton was born in Johnstown, New York in 1815. From a young age, Stanton showed interest in pressing social issues affecting American society, which would eventually drive her to become a force for change. At her father's law office, she witnessed the inequitable laws restricting women's freedom and abilities to inherit property. As a young mother, Stanton advocated for equal education and freedom of expression for all of her children, no matter their gender. Stanton was also heavily involved with the abolitionist movement; however, frustration over the exclusion of women from many of the local meetings and proceedings led her to focus her efforts on a different mission.

Along with fellow reformer Susan B. Anthony, Stanton launched a crusade to ensure that women's rights were brought to the forefront of national debate. While Anthony served as the movement's public face, Stanton remained behind the scenes, guiding the movement's direction and agenda.

Perhaps Stanton's most defining moment was the delivery of her Declaration of Sentiments at the Seneca Falls Convention in 1848, the first women's rights conference ever held in the United States. At the convention, Stanton recited a familiar testimony with a subtle yet resonant sentiment, "We hold these truths to be self-evident: that all men and women are created equal".

In the years following the Civil War, Stanton continued her work for women's suffrage, serving as the president of the National Women's Suffrage Association from 1865 to 1893. In 1866, she ran for a Congressional seat in New York and received the first votes ever cast for a female candidate.

Elizabeth Cady Stanton passed away in 1902, seventeen years prior to the enactment of the 19th amendment. Her dedication to removing the barriers of gender inequality exists

as an act all women can look to for inspiration and courage. And as Stanton once noted, “the best protection any woman can have . . . is courage.” In New York’s 21<sup>st</sup> District, we are proud of Stanton’s legacy as an advocate for liberty and equality.

IN RECOGNITION OF PASTOR GARTHER ROBBERSON JR. FOR HIS SERVICE TO THE YPSILANTI COMMUNITY

**HON. DEBBIE DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Pastor Garther Roberson Jr. for his decades of service to the Ypsilanti community. Pastor Roberson has provided spiritual guidance as leader of the Mt. Olive Baptist Church and community assistance through his involvement with local nonprofits and advocacy groups.

As a lifelong resident of southeast Michigan, Pastor Roberson has been a critical leader in the community throughout Ypsilanti’s growth and development. Prior to becoming a pastor, he was involved with the Second Baptist Church in Ypsilanti, where he directed youth activities and served as a deacon from 1967 to 1977. After being ordained as a Reverend by Pastor B.T. Hopkins at Second Baptist Church in 1979, Roberson was named Pastor of the Mount Olive Baptist Church in Ypsilanti, where he has served since. Under Pastor Roberson’s leadership, Mount Olive grew to become a pillar of the Ypsilanti community, offering support and guidance to its congregation and other individuals in need. Additionally, Pastor Roberson has been active in local charitable and religious organizations, including the President of the Minister’s Alliance of Ypsilanti and the President of the Huron Valley District Congress of Christian Education, where he has utilized his experience as a faith leader to provide assistance to the city at large.

Pastor Roberson’s work and moral leadership has helped revitalize the Ypsilanti community. Through his time as head of the Mount Olive Baptist Church, Pastor Roberson has become known as a friendly and welcoming presence dedicated to service and building a future for the city and its residents. He is recognized for his leadership, having served as a board member of local organizations including Hope Clinic, Students and Friends of Washtenaw Community College, and the regional branch of the National Association for the Advancement of Colored People. Pastor Roberson has been an effective advocate for the city and its residents, and I wish him well as he retires from his position in the ministry.

Mr. Speaker, I ask my colleagues to join me in honoring Pastor Garther Roberson Jr. for his work in the Ypsilanti community. Pastor Roberson’s has impacted countless lives through his leadership and efforts.

CONGRATULATING NATALIE BASHAM OF THE CAMDENTON LAKERS

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Natalie Basham of the Camdenton Lakers for her first place win in the 100 Meter Hurdles at the 2017 Missouri Class 4 Girls Track and Field State Championship.

Natalie and her coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing Natalie Basham on a job well done.

CONGRATULATING ARTHUR AND JULIA BULLARD ON THEIR 50TH WEDDING ANNIVERSARY

**HON. LOIS FRANKEL**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to congratulate Arthur and Julia Bullard on their 50th wedding anniversary.

The Bullard’s are beloved members of the South Florida community. They met at Roosevelt High School in West Palm Beach and married at the New Bethel Missionary Baptist Church, where they remain important leaders of their congregation. Together they have three children and six grandchildren.

Both Julia and Art have dedicated their working lives to serving the public. Julia is a highly respected educator. She worked for the Palm Beach County school district for 30 years and was the Principal of Roosevelt Elementary school for 20 years. Art worked for the U.S. Postal Service for over 30 years and was a West Palm Beach City Commissioner. He capped his hard working career as Assistant to the Mayor during my eight years as Mayor of West Palm Beach. His friendship and guidance was invaluable to me and will always be cherished.

It is my honor to recognize Arthur and Julia today, and to join with their friends and family in celebrating this milestone.

CONGRATULATING THE NEW HAVEN SHAMROCKS GIRLS RELAY TEAM

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the New Haven Shamrocks Girls Relay Team on their first place win in the Class 1 4x400 meter relay at the 2017 Missouri Track and Field State Championship.

This team and their coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing the New Haven Shamrocks Girls Relay Team on a job well done.

REFLECTIONS ON THE 72ND ANNIVERSARY OF THE BOMBINGS OF HIROSHIMA AND NAGASAKI

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Ms. JACKSON LEE. Mr. Speaker, I rise today to speak in remembrance of the bombings of Hiroshima and Nagasaki that ushered in the nuclear age 72 years ago this week.

The atomic bombs that devastated Hiroshima on August 6, 1945 and Nagasaki on August 9, 1945 thankfully represent the only instances where the awesome destructive power of nuclear weapons were unleashed.

While it is true that the bombings of Hiroshima and Nagasaki helped to bring a speedy and decisive end to the conflict in the Pacific theater during World War II, it is also true that devastation and carnage wrought by those explosions was a vivid reminder and compelling reason for the international community to work in concert to prevent the proliferation and use of nuclear weapons.

And for 72 years, the international community, led by the United States, has deterred every nation on earth from using nuclear weapons although it has been less successful in deterring several nation-states from developing their nuclear weapons capability.

So while we pause to remember the victims who perished in, and the lives that were saved by, the bombings of Hiroshima and Nagasaki, it is critically important that we take this moment to redouble our commitment towards nuclear nonproliferation and banishing the threat of nuclear annihilation from the earth.

Mr. Speaker, since 1945 preventing the spread of nuclear weapons and weapons technology has been a pillar of the U.S.-led, rules-based international order that has brought an unprecedented era of peace and prosperity to the United States and its allies in Europe, Asia, and the Pacific.

It is this commitment to nuclear non-proliferation that has led the United States to work with the international community to keep rogue nations from developing their own nuclear arsenals, the most recent achievement in this regard is the Joint Comprehensive Plan of Action (JCPOA) negotiated with the Iranian government in 2015.

Multilateral efforts like the JCPOA were made possible by responsible, level-headed leadership that did not needlessly engage in brinkmanship.

Today, the world faces a grave threat from the rogue and hostile regime in Pyongyang in the Democratic People’s Republic of Korea.

Mr. Speaker, it is imperative that we continually seek to reduce the risk of war, and this is not accomplished through the use of overheated, reckless, and bombastic rhetoric.

It is vitally important that the Trump Administration understand the importance of using restrained and judicious rhetoric in trying to diffuse this delicate situation.

Mr. Speaker, blustery statements and bombastic tweets will not defuse the tense situation on the Korean peninsula or frighten the regime in North Korea.

Instead, we must employ the full arsenal of America's smart power assets—diplomacy, economic sanctions—to persuade North Korea that it is in its self-interest to turn away from the dangerous path it is traveling.

The United States does not harbor hostile intentions toward North Korea and is seeking to overthrow the regime in Pyongyang.

Mr. Speaker, direct diplomatic engagement with North Korea represents America's best option and holds the promise of a favorable and peaceful outcome, just as was achieved with the JCPOA and the 1994 Agreed Framework reached with North Korea that stopped North Korea's nuclear weapons program for nine years.

On July 16, 1945, after witnessing the first test of the atomic bomb in Alamogordo, New Mexico, Dr. J. Robert Oppenheimer, the director of the Manhattan Project, remembered the line from the Hindu scripture, the Bhagavad-Gita: "Now, I am become Death, the destroyer of worlds."

Mr. Speaker, for more than 70 years the international community, led by the most indispensable of nations, the United States, has kept the nuclear genie in the bottle.

We have been successful to date in no small part due to the thoughtful, persistent, judicious, restrained application of American power by responsible, sober, determined, informed Presidents of the United States, from Harry Truman through Barack Obama.

When he took the oath of office on January 20, 2017, that torch, and the burden of leadership, was passed to Donald Trump and all Americans are anxiously hoping and praying he can restrain his impulses and rise to the occasion.

CONGRATULATING THE WASHINGTON BLUE JAYS SCHOLAR BOWL TEAM

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in con-

gratulating the Washington Blue Jays Scholar Bowl Team for their first place win in the 2017 Missouri Class 4 Scholar Bowl State Championship.

This team and their coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing the Washington Blue Jays Scholar Bowl team for a job well done.

IN RECOGNITION OF THE 5TH ANNIVERSARY OF THE PITTSFIELD CHARTER TOWNSHIP FARMER'S MARKET

**HON. DEBBIE DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mrs. DINGELL. Mr. Speaker, I rise today to recognize the organizers and vendors of the Pittsfield Charter Township Farmers Market. For the past five years, the market has provided a forum for the community to come together and offered a wide variety of goods from local producers.

Originally founded in 2012, the Pittsfield Farmer's Market serves the community at large by offering locally produced goods to residents of Pittsfield Charter Township and surrounding areas. Several dozen vendors, all based less than 40 miles away from the market, gather each week on Thursday to offer a variety of goods, including local produce, artisan bread and baked goods, honey, fresh pasta and pasture-raised meats. The vendors are vetted to ensure a wide range of goods are served and to further Pittsfield's commitment to supporting local Michigan growers while providing access to healthy and natural foods. The market also hosts free events each week like live music performances, tips from a certified Master Gardener and public safety demonstrations. These activities, along with the wide variety of vendor offerings, have established the market as a key pillar in the

southeast Michigan community, with over 8,000 guests visiting these attractions in 2016.

The Pittsfield Farmer's Market's growth and development has helped engage the community while supporting local businesses. The success of the market has empowered Michigan growers while providing high-quality produce and goods to visitors, and the gathering space in nearby Prairie Park has served as an important forum for events and presentations hosted by the market participants. Collectively, these have helped create a strong sense of community while engaging and educating visitors. The growth and development over the last five years underscores the value of the services that the market provides, and it is my hope that the market continues to experience success while effectively serving nearby residents in the coming years.

Mr. Speaker, I ask my colleagues to join me in recognizing the Pittsfield Farmer's Market on the fifth anniversary of its founding. The market has been a tremendous success through its offering of local products and promotion of community interaction.

CONGRATULATING LAUREN GERLEMANN OF THE NEW HAVEN SHAMROCKS

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 11, 2017*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Lauren Gerlemann of the New Haven Shamrocks for her first place win in the long jump at the 2017 Missouri Class 1 Girls Track and Field State Championship.

Lauren and her coach should be commended for all of their hard work throughout this past year and for bringing home the state championship to their school and community.

I ask you to join me in recognizing Lauren Gerlemann on a job well done.



# Daily Digest

## Senate

### Chamber Action

The Senate met at 3:30:03 p.m. in pro forma session, and adjourned at 3:30:34 p.m. until 4:30 p.m., on Tuesday, August 15, 2017.

### Committee Meetings

No committee meetings were held.

---

## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 5 public bills, H.R. 3648–3652, were introduced.

Pages H6602–03

**Additional Cosponsors:**

Page H6603

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Perry to act as Speaker pro tempore for today.

Page H6595

**Guest Chaplain:** The prayer was offered by the Guest Chaplain, Rev. Alisa Lasater Wailoo, Capitol Hill United Methodist Church, Washington, DC.

Page H6595

**Veterans Appeals Improvement and Modernization Act of 2017:** The House agreed to take from the Speaker's table and concur in the Senate amendment to H.R. 2288, to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs.

Page H6595–H6601

**Northern Mariana Islands Economic Expansion Act:** The House agreed to take from the Speaker's table and concur in the Senate amendment to H.R. 339, to amend Public Law 94–241 with respect to the Northern Mariana Islands.

Page H6601

**Discharge Petition:** Representative Garrett presented to the clerk a motion to discharge the Com-

mittee on Rules from the consideration of H. Res. 458, providing for consideration of the bill (H.R. 1436) to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017 (Discharge Petition No. 3).

**Quorum Calls—Votes:** There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 9:07 a.m.

### Committee Meetings

No hearings were held.

### Joint Meetings

No joint committee meetings were held.

---

## COMMITTEE MEETINGS FOR TUESDAY, AUGUST 15, 2017

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No hearings are scheduled.

*Next Meeting of the SENATE*

4:30 p.m., Tuesday, August 15

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9:30 a.m., Tuesday, August 15

Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

House Chamber

Program for Tuesday: House will meet in Pro Forma session at 9:30 a.m.

## Extensions of Remarks, as inserted in this issue

### HOUSE

Banks, Jim, Ind., E1124  
 Esty, Elizabeth H., Conn., E1125  
 Luetkemeyer, Blaine, Mo., E1123, E1124, E1125  
 Lujan Grisham, Michelle, N.M., E1123, E1125  
 Price, David E., N.C., E1123  
 Thompson, Mike, Calif., E1124  
 Velázquez, Nydia M., N.Y., E1123



## Congressional Record

The *Congressional Record* (USPS 087-390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Publishing Office, at [www.govinfo.gov](http://www.govinfo.gov), free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800, or 866-512-1800 (toll-free). E-Mail, [contactcenter@gpo.gov](mailto:contactcenter@gpo.gov). ¶To place an order for any of these products, visit the U.S. Government Online Bookstore at: [bookstore.gpo.gov](http://bookstore.gpo.gov). Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, or phone orders to 866-512-1800 (toll-free), 202-512-1800 (D.C. area), or fax to 202-512-2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Publishing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.