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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 8, 2017.

I hereby appoint the Honorable DON BACON to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

PUERTO RICO 6 WEEKS AFTER HURRICANE MARIA

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

Mr. GUTIÉRREZ. Mr. Speaker, Monday I returned from my third trip to Puerto Rico since Hurricane Maria devastated the island almost 2 months ago.

I wish I could report that a lot of progress is being made, but I can't. It is still a disaster, and it is a stain on the reputation of the United States of America.

Most places don't have power. Generators, the sound you hear humming in every corner of the island like metallic coquis, are running ragged from overuse.

In many places, the water is not on because the power is not on to pump it, and drinkable water mixes with sewer water all over the island. As you can see from this picture, people are tapping mountain springs and, in this case, are using it mostly for laundry, thank goodness, because the mountain water in many cases is contaminated from humans and animals.

This man is a police officer, first responder, but he is learning to make do just like every other Puerto Rican family. Everywhere you go, you see Puerto Ricans making do.

So think about your life without power, cell service, water, lights, fans, in some cases food. Imagine the dialysis patient or the elderly man in an electric wheelchair who uses oxygen tanks to breathe. I met those people in Puerto Rico.

How do you get to physical therapy or regular prenatal visits when there are still roads and bridges that have simply vanished?

On the one hand, when I am in Puerto Rico, I am confronted by the very best of mankind, the people who are helping strangers, feeding their neighbors, and pitching in wherever they can.

On the other hand, when I am in Puerto Rico, I am confronted with the human tragedy of people who, like all of us, depend on the government for basic assistance and help after a major disaster and have received nothing.

Yes, the damage is massive, but there is no task Americans cannot accomplish if we put our minds and backs into it.

Mr. Speaker, this is the Head Start building in Loiza. As you can see, the roof is torn up and there is metal sheeting that was blown around. The people in Loiza are forming a brigade to rebuild the structure so they can reopen the Head Start building.

One of the things I was doing in Loiza was bringing money to get them started, raised by the Puerto Rican Agenda in Chicago from the people of Chicago. Individuals in Chicago are investing in the well-being of people in Loiza. They have never met them, but they are investing in them.

They are not calling in expensive contractors or companies from Montana, and they are not waiting for the folks from FEMA or the U.S. military. They are not waiting for Donald Trump to grant Puerto Ricans a little more time now that he has made it clear that he will not personally give them his grade A help forever. Nope. The people of Chicago are getting help to the people of Puerto Rico before any official resources are coming to their rescue.

It boggles the mind that it has come to this.

Here is another more difficult case. A bridge and a road were washed away by the storm. This is near Jayuya, Puerto Rico, but it could be almost anywhere on the island. More than 6 weeks after the storm and nothing, not even orange cones or a guardrail to keep people from driving off into danger.

If you live up the side of this hill, you are not going anywhere any time soon until something changes, because the Army Corps of Engineers has decided just to not show up and are missing in action.

Mr. Speaker, I should not have to give this speech almost 2 months after the storm. We should have accomplished much more. The people of Puerto Rico pretty much understand that President Trump doesn't want to help them and really doesn't care.

The passports and documents that they have that say citizens of the United States should have been printed with small print that says: Yes, Puerto Ricans are citizens of the U.S. for the purposes of being drafted and going to war, but not when it comes to being helped.

Printed on recycled paper.

Puerto Ricans are coming to grips with how little they can expect from the President and his administration.

They are finding ways to make do, just as the people of Chicago are making do by sending their own help in their own way. It shouldn't have had to come to this, but it has.

Puerto Ricans are learning to make do, just like these two young women who are getting married on the beach in Vega Alta, Cerro Gordo. I met them. They let me take this picture.

Life goes on, even when the government has turned its back on them.

VISITING PREGNANCY RESOURCE CLINIC DURING NATIONAL ADOPTION MONTH

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, earlier this week, I had the opportunity to visit the Pregnancy Resource Clinic in State College, Pennsylvania, Centre County, Pennsylvania's Fifth Congressional District.

The Pregnancy Resource Center is the only community-funded medical clinic in State College that specifically addresses unplanned pregnancy in a Christ-centered atmosphere. Through education and encouragement, the Pregnancy Resource Center empowers both men and women to make informed life choices.

Mr. Speaker, I had the opportunity to meet with Executive Director Jenny Summers and many members of the Pregnancy Resource Center staff to see, firsthand, the important services that it provides to the region.

The Pregnancy Resource Center, importantly, upholds the sanctity of life. It encourages clients to continue the pregnancy to full term rather than choosing abortion for their unborn child.

Mr. Speaker, this is always important, but even more so this month during National Adoption Month. Each year, loving families adopt thousands of children and provide them with the love and support of a family and their forever home.

I commend the Pregnancy Resource Center for the essential services it provides and celebrate the gift of adoption to both children and parents alike.

REBOOT COMBAT RECOVERY

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on Saturday, the Nation celebrates Veterans Day, a day where we honor all those who have served in the Armed Forces.

As we pay tribute with ceremonies and parades, we must remember that freedom is not free. Many of our veterans live with the effects of war long after they have been discharged.

Mr. Speaker, I recently had the opportunity to learn about a group that is helping combat veterans heal the wounds of war. REBOOT Combat Recovery is a Christian-based program structured in a 12-week course for veterans and their spouses to share their struggles and to begin the healing process.

Many of our vets suffer in the form of anger, anxiety, depression, social withdrawal, and, most tragically, too often, suicide.

The REBOOT Combat Recovery program is free. It has more than 50 locations in 23 States and more than 1,600 graduates. REBOOT communities are safe, private, and mostly led by veterans.

As we honor our veterans this weekend, let us remember that every veteran's story is different. Let us help them find the answers to heal and to recover from the effects of war.

HONORING 80TH ANNIVERSARY OF THE EDMUNDITE MISSIONS

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

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to celebrate the 80th anniversary of the Edmundite Missions at Our Lady Queen of Peace Catholic Church in Selma, Alabama.

For 80 years, the Edmundite Missions has faithfully served poor and underprivileged communities throughout the Deep South. The Edmundite Missions is rooted in the Gospel of Jesus Christ and focuses on providing food, clothing, and shelter to poor and marginalized children and families, young adults, and seniors of all faith traditions.

While the Edmundite Missions in Alabama is headquartered in Selma, their outreach area includes the Alabama counties of Butler, Dallas, Lowndes, Monroe, Perry, and Wilcox, as well as New Orleans, Louisiana.

The inspiring story of the Edmundite Missions began with a call to action when, in 1936, Pope Pius XI appealed to the Society of St. Edmund to go minister to the African Americans of the Deep South.

The Edmundites responded by selecting two young priests, Father Casey and Father Paro, to take on the assignment. They wrote to the bishop, Thomas Toolen of Mobile, who invited them to set up a ''colored mission'' in Selma.

When Fathers Casey and Paro arrived in Selma on July 6, 1937, they discovered thousands of people living in extreme poverty, similar to that of a Third World country. In response, they began their outreach by conducting door-to-door evangelism in the Black community and building a small chapel, St. Elizabeth's Mission. Initially, they were met with skepticism by both the Black and White communities in Selma, but their services to the poor gradually won them the respect of both races.

The work of the Edmundite Missions helped to transform the communities of Alabama's rural Black Belt during some of the most turbulent times of race relations in American history.

In the 1940s, the mission welcomed the Sisters of Saint Joseph from Rochester, New York, who came to Selma to provide education and social ministry. The Sisters of Saint Joseph started St. Elizabeth's School in 1941 and the Holy Infant Inn, a nursing home, in 1943.

In 1944, the Edmundites purchased the Selma Good Samaritan Hospital, a rundown infirmary for African Americans, and the sisters set out to transform that facility into a modern-day one. They established the Good Samaritan School of Nursing, the first medical training program for African-American women in the area.

Then, in 1947, Father Nelson Ziter launched the Don Bosco Boys Club, named after the patron saint of youth work. For the next 19 years, until 1966, the Don Bosco Boys Club helped hundreds of young Black youth prepare and win financial assistance needed to attend college. Father Ziter devoted countless hours and days to ensuring the success of every youth who came into the program.

On a personal note, I can attest to the transformative power of the Don Bosco Boys Club. My dad, Andrew A. Sewell, and many of his close friends credit the support, love, and guidance of Father Ziter for changing the trajectory of their lives. My dad and many of his teammates received athletic scholarships to Historically Black Colleges, becoming the first generation of college graduates in that area.

The club and its ministry helped to break the cycle of poverty for these African-American boys such that they became teachers, doctors, lawyers, and even priests.

The Sewell family is forever indebted for the generous support and assistance the Edmundite Mission has given the communities of Selma and throughout the Black Belt for over 80 years.

The Edmundites found themselves the center of controversy during the 1960s when they were the only Whites in Selma who openly supported the voting rights movement. During the 1950s and 1960s, the mission and its priests and sisters worked with Selma's Black and White leaders, its business community, and its White ministers to open the lines of communication between the races.

During the march from Selma to Montgomery, the Edmundites, led by Father Ouellet, played a very critical role. On March 7, 1965, the brutal confrontation at the Edmund Pettus Bridge caught the attention of the Nation. Scores of wounded marchers poured into the emergency room at Good Samaritan Hospital, where doctors, nurses, and sisters worked around the clock to address their medical needs.

Good Samaritan Hospital won national praise for its treatment of the victims of the infamous Bloody Sunday confrontation, including providing medical treatment, Mr. Speaker, to our beloved colleague, Congressman JOHN LEWIS.

Father Ouellet left Selma in June of 1965 on the orders of the Archbishop of

Mobile. When he left, he was given a standing ovation by his parishioners.

The citizens of Selma and the surrounding Black Belt counties have come a long way since 1937, and I ask my colleagues to join me in celebrating the 80th anniversary of the Edmundite Mission and in recognizing its many contributions.

May the glory of the Edmundites Mission continue to grow and prosper for years to come.

□ 1015

HUMANITARIAN CRISIS IN YEMEN

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

Mr. DUNCAN of Tennessee. Mr. Speaker, there is a heartbreaking photo in today's Washington Post showing two small boys, toddler-size, in a hospital in Yemen being treated for cholera. The story says the International Red Cross is now being prohibited by the Government of Saudi Arabia from shipping chlorine tablets into Yemen to treat this disease that has now affected more than 900,000 people there.

This is a humanitarian crisis of the first magnitude and it should not be tolerated. Many people are dying. Most of the victims of this disease are women, children, and senior citizens.

In yesterday's American Conservative magazine, Daniel Larison wrote: ''The Saudi-led blockade of Yemen has been starving the population of essential goods for years, but the complete shutdown of all ports threatens to cause massive loss of life if it is not reversed immediately.''

The head of the U.N. World Food Programme is warning that hundreds of thousands of children in Yemen will be ''on the brink of starvation if the Saudi-led coalition's blockade of air, sea, and land access lasts for even 2 weeks.''

David Beasley, of the U.N., told the Associated Press, if access remains shut down, ''I can't imagine this will not be one of the most devastating humanitarian catastrophes we have seen in decades.''

Mr. Speaker, Saudi Arabia is supposed to be an ally of ours. Those of us in Congress should demand, urge, or at least plead with officials in Saudi Arabia to end this very cruel, inhumane blockade, and allow the Red Cross to get crucial food, medicine, and other supplies in to these people before many more die needlessly.

STATEHOOD FOR WASHINGTON, D.C.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, Saturday is Veterans Day. That is the day we set aside to revere those who served in our Armed Forces, especially today, because all who serve are volunteers.

Only one group of taxpaying volunteers who serve in our Armed Forces serve without a vote, and they are the veterans who reside in the Nation's Capital. They have no final vote on this House floor, though, of course, I vote in committee. They are not fully recognized as American citizens, although the District of Columbia is one of the oldest jurisdictions in the United States.

D.C. veterans, therefore, are at the front of the line, demanding the vote in Congress and other rights granted only to residents of States.

I thank the Members of this body who have cosponsored my bill to make the District of Columbia the 51st State. Each year we have beat last year's record in cosponsors. Today I have introduced a statehood resolution in tribute to the District of Columbia's 30,000 veterans as Veterans Day approaches on Saturday.

The residents of your Capital City have never hesitated to serve or give up their lives in war for their country. They have died for their country without a vote in disproportionate numbers.

World War I, more casualties than three States; World War II, more casualties than four States; Korean war, more casualties than eight States; the Vietnam war, more casualties than ten States of the Union.

There have been three votes to go to war since I have been a Member of Congress: the Gulf war, the Iraq war, the Afghanistan war.

I have gone to Arlington National Cemetery to comfort bereaved families from the District of Columbia who died in those wars. The tragedy of their sacrifice is deepened because these men died securing the vote for others in those nations, while they did not have the vote for themselves in their own nation.

The only remedy to make our veterans whole is to give statehood to their city. The special urgency of our demand for statehood this Veterans Day is particularly pointed up by the fact that, for years now, District of Columbia residents have been number one, per capita, in taxes paid to support the Government of the United States. Understand that, number one above all the other States in taxes paid, all without a vote. That outsize contribution, yet no vote on this House floor, no Senators in the other body.

That is not even a vote on D.C. matters. D.C. matters, some of them, have to come to this floor. The D.C. appropriation, even though D.C. residents raise more than $7 billion, not $1 of it is Federal money, yet the city's appropriation comes to this floor.

D.C. laws, sometimes on abortion or guns, are rather controversial matters, but we don't bother the States when they do the same thing, and we certainly should have nothing to say when the residents of the District pass laws of their own.

We almost got the vote on the House floor when we were paired with Utah, a Republican State. And the only reason we don't have that vote on the House floor now is that there was an attachment to the bill that tried to eliminate all the gun laws of the District of Columbia. Absurd. But we had to leave the bill on the table.

The Founders faced a unique situation when they created the District of Columbia as their Capital, but they tried an 18th century remedy that the country has long outgrown. The Nation's Capital must not be under the thumb of the national government, with citizens left without their equal rights.

We must erase the slander that the Framers of our country who went to war on the slogan of ''No Taxation Without Representation;'' that they would want to leave any Americans who paid taxes without equal representation in the United States, and especially on this floor and in the Senate.

We will bring our statehood bill to the floor as soon as it is allowed. On this Veterans Day, I ask that we bring our D.C. statehood bill to the floor. Do it for District residents. But on this Veterans Day, I ask that you do it for the 30,000 veterans who have served you, who have served their country, and who deserve equal rights in each and every respect.

RECOGNIZING THE MEN AND WOMEN OF THE NEBRASKA NATIONAL GUARD

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

Mr. BACON. Mr. Speaker, I rise to recognize the men and women of the Nebraska National Guard. Whether it is a natural disaster in Nebraska or elsewhere in the United States, or doing combat operations in the Middle East, the Nebraska National Guard is willing and ready to assist those in need and are poised to fight our Nation's wars.

The Army National Guard has approximately 3,500 soldiers stationed throughout Nebraska, and the Air National Guard has approximately 950 airmen. Joining us today in Washington are 60 of those soldiers and airmen.

The Nebraska National Guard is made up of selfless and courageous men and women who continue to make Nebraska and the Nation proud through their rescue and assist efforts and during times of crisis.

The Army National Guard has over 80 units throughout Nebraska. These guardsmen are also called citizen soldiers and they respond to national disasters in the State and around the Nation.

There are two Air National Guard units in Nebraska: the 155th Air Refueling Wing in Lincoln and the 170th Group located at Offutt Air Force Base. The 155th Wing is responsible for refueling aircraft worldwide, while the

170th Group provides support to the 55th Wing by training airmen conducting worldwide missions for our Nation.

In addition, they have become a premier example of total force integration between the Active Duty Air Force and the Air National Guard. In my 30 years in the Air Force, this is the best Active Duty and National Guard relationship that I have seen. I think it is the best in the Nation.

Since September 11, the Nebraska National Guard has deployed over 10,000 soldiers and airmen. The guardsmen not only provide assistance to the United States, but throughout the world. There are dozens of Nebraska soldiers deployed to Guantanamo Bay supporting detainee operations. Next year, the Nebraska Air National Guard will deploy to key locations in the Pacific and Middle East.

Most recently, members of the Nebraska National Guard deployed to Texas, Florida, Puerto Rico, and the U.S. Virgin Islands to assist with the hurricane relief efforts.

The Nebraska National Guard rescued 461 people and 22 pets, and they served 6,000 pounds of bottled water, 3,000 pounds of food, and 1,000 pounds of medical supplies to the people of Texas.

In response to Hurricane Irma, 102 Guard members were in Florida providing an aviation task force for support operations. Currently, there are 58 soldiers and airmen providing support to the Virgin Islands and Puerto Rico. These efforts range from rescuing people to cleaning up St. Croix's Ricardo Richards Elementary School.

The Nebraska National Guard's value to Nebraskans and Americans across the Nation cannot be understated. Our soldiers and airmen risk their lives to save our neighbors in need.

I thank the Nebraska National Guard for their service to the Nation and Nebraska. All Nebraskans are proud of their service.

ADDRESSING THE HUMANITARIAN CRISIS IN PUERTO RICO

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

Mr. ESPAILLAT. Mr. Speaker, I rise today, marking the 48th day since Hurricane Maria made direct landfall on the island of Puerto Rico.

Wreaking havoc for over 3.4 million American citizens living on the island, this administration's response has been beyond atrocious. I witnessed it myself a couple of weeks ago, and so did a group of 50 registered nurses from across the country who volunteered for a two-week disaster relief fund and mission.

What these courageous women described upon returning was not at all reassuring. The lack of efficient action has led to deadly conditions and consequences: lack of food, water, medicine, proper healthcare services, houses with roofs blown off or infested with black mold, and leptospirosis outbreaks across the island.

Laura Maceri, a registered nurse, said: ''It's hell there. The people have nothing, yet they are the first to offer you the shirt off their back.''

Another nurse, Hau Yau, expressed: ''We couldn't believe this is part of the United States. We did home visits in low-income communities with the public health liaisons there who identified those in need, and helped them do basic blood pressure checks, blood sugar checks, to refill their medicine, et cetera. They have already had chronic diseases going on, and now their environment is full of hazardous materials, and the sanitation is very, very poor.''

From another nurse, Erin Carrera: ''Spent the day in Rio Grande, a hard-hit area right outside of San Juan. No power or water here since Maria. We set up a clinic at the FEMA site for the first time here. People lined up blocks since 10 p.m. last night. But FEMA was only handing out papers—papers, which need to be filled out in order that they may receive some reimbursement eventually. Each person received a small bottle of water, a mini bag of Cheez-It and a little pack of vanilla cookies. Outrageous. We were able to provide care to some, not nearly enough, but one small contribution to this tragedy today.''

Another nurse said: ''Today we went to a town called Barranquitas. They had almost no water or food there. They were desperate. They are relying on rainwater. One million chickens died during the storm and are now decomposed and causing people to get sick. Overwhelming is the only thing I can say to describe it.''

Mr. Speaker, I stand with these nurses in their demands to address the humanitarian crisis on the island of Puerto Rico. This administration must respond immediately.

We need to waive FEMA's cost-sharing requirements in Puerto Rico. Yesterday, Representative GUTIÉRREZ and I introduced the WEPA legislation—the Waiver of Emergency Payments Act—that chooses and aims to do exactly that.

□ 1030

PROPER NUTRITION FOR EVERYONE

The SPEAKER pro tempore (Mr. ADERHOLT). The Chair recognizes the gentleman from Kansas (Mr. MARSHALL) for 5 minutes.

Mr. MARSHALL. Mr. Speaker, I rise today to talk about nutrition and, more specifically, malnutrition. My family and I have traveled across the country doing mission work, from the poorest country in this Western Hemisphere, Haiti; to the plains of Kenya; across Mexico; and throughout Central America.

On those trips, I went there as a physician thinking that I could help people, but what I quickly discovered was that, despite how many antibiotics or bottles of IV fluids that I had, without proper nutrition, without proper water and sewage treatment, I was simply running into a headwind in a war that I could never win.

Unfortunately, across the globe, there are almost 1 billion people who suffer from malnutrition, and it is a problem that doesn't exist just across the world. It also exists in my own district, in my own communities. We think that actually about 12 percent of the United States households have food insecurity issues, and, in households with children, the number goes up to 16 percent of food insecurity issues.

It would be my opinion, without this hierarchy of needs being met, the hierarchy of the needs of proper water, proper sewage, and proper nutrition, that you will never have a healthy community. Without a healthy community, you will never see economic growth.

This battle against malnutrition is long running. In recent years, many in the hunger community have recognized the value of fighting malnutrition in targeted ways. One way was popularized by Roger Thurow in his book, ''The First 1,000 Days: A Crucial Time for Mothers and Children—And the World.''

Research shows that good nutrition actually begins before conception. Good nutrition starts before conception, continues throughout the woman's pregnancy, and, especially, those first 2 years after a child's birth are very important.

As a practicing obstetrician for 25 years, I see over and over the impact of proper nutrition. Proper nutrition in those first 1,000 days starts with a well-balanced diet and adequate calories. Additionally, we always try to start our prenatal vitamins at least 3 months before conception.

You might ask: Why is that important? What we have found is that if there is adequate folic acid in a woman's body, along with adequate iron, it decreases birth defects, and it decreases premature birth and low birth weights. Specifically, folic acid decreases neural tube defects. So those two vitamins are particularly important that we continue in these diets preconceptually, during the pregnancy, then after for at least the first 2 years.

A child that receives the proper 1,000 days of nutrition has a lower chance of obesity, heart disease, and chronic illnesses. The child is 10 times more likely to overcome serious childhood illnesses and is more likely to fulfill their full God-given potential.

What we know and understand is that the most vulnerable will succumb to viruses, whether it is the elderly or the infants, if they don't have proper nutrition. An investment during this critical time period, these first 1,000 days, not only impacts the development of the child, but results in a higher likelihood of healthiness in generations to

follow, allowing the benefits of adequate nutrition to compound over time.

As we in Congress begin to consider the reauthorization of the new farm bill, we have been reviewing many programs targeting hunger and malnourishment. These programs allow our State governments and nonprofits to promote nutrition and assist in providing food for women and children, both here at home and around the globe. I am especially proud of the McGovern-Dole International Food for Education program, but what we, of course, call in Kansas the Dole-McGovern International Food for Education program.

This program has provided over 44 million people in low-income, food-deficient countries across the world with a meal during the school time to help those kids do better in school. This is made possible by donations from the U.S. agricultural products and the kindness of Americans.

Food for Peace is another lifesaving food assistance program that, for more than 60 years, has helped tens of millions of people get enough to eat through emergency development and nutritional support programs.

Not only do these programs provide the food necessary to help these countries provide good nutrition for women and children, they benefit U.S. national security and foster goodwill.

Lending a helping hand to those around the globe is a classic American value, but assisting those here at home is an absolute priority. This is being achieved through the special Supplemental Nutrition Program for Women, Infants, and Children, the WIC program as most of us have called it. I have got such great, firsthand experience in seeing how important this WIC program is to pregnant women and breastfeeding women. It is not only the vitamins that we give them, but it is the extra education that we give them to help raise their children in a healthy environment.

So we need to provide Federal grants to these States through the WIC program that are used to provide food supplements and nutritional education to low-income mothers and babies. Nutrition is so critical for these first 1,000 days, it goes far beyond anything that I can say or any statistics I can quote. As we continue to strive for improved national global health, the importance of these first 1,000 days should not be underemphasized.

The United States has an opportunity to make a global statement in advancing this initiative. No matter where you are in the world, you can be assured that community health, economic growth, and quality of life begins with good nutrition.

MOMENTUM IS BUILDING

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

Mr. AL GREEN of Texas. Mr. Speaker, I rise because I love my country. Mr. Speaker, because I love my country, I rise to thank those who voted to reject bigotry, racism, xenophobia, ethnocentrism, sexism, and hatred in all of its forms, Mr. Speaker. I rise to thank them for what they did when they voted to reject these things.

Mr. Speaker, because I love my country and because I cannot accept these things, I refuse to accept hatred. I refuse to acquiesce to any forms of bigotry. Mr. Speaker, because I rise to reject these things, I now announce that before Christmas there will be a vote on the chief inciter of racism, bigotry, hatred, xenophobia, sexism, ethnocentrism; there will be a vote in the U.S. House of Representatives, Mr. Speaker, on the impeachment of the President.

Mr. Speaker, this vote will take place before Christmas because there still is a need for the public to weigh in. I announced earlier this year, I called for the impeachment of the President right here on the floor of the House. Since that time, I have read Articles of Impeachment. These Articles of Impeachment have been circulated, and we are giving people an opportunity to respond.

Momentum is building, Mr. Speaker. The momentum is building. More people favor impeachment than not. Momentum is building. People should weigh in. They should let others know how they feel about impeachment. They should let others know how they feel about the chief inciter of all of these ugly actions by way of persons responding to the chief inciter.

Mr. Speaker, today, I am proud to say this vote will take place, but I am also proud to say something else. I am proud to say that I am an American, and while I have been told that there are political consequences for what I will do, I accept the consequences. I accept the consequences because I was not born in Congress. I wasn't born to be a Congressman. I am a child of God.

Mr. Speaker, I refuse to come to Congress and acquiesce to bigotry and hatred. I am proud to announce that this vote will take place and people will be able to vote to table the Articles of Impeachment. They will be able to vote to reject them, or support them, or they will be able to vote to send them to a committee.

Whatever others will do is their choice. My conscience dictates that I will vote to impeach. Let others do what they may. History will judge us all. I pray, Mr. Speaker, that this country will continue to reject what the inciter in chief, Donald J. Trump, has been causing this country to have to endure.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

REFORMING OUR TAX CODE

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

Mr. BUDD. Mr. Speaker, reforming our Tax Code isn't an easy thing to do. If it was, we would have done it at some point in the last 30 years. But here is the reality: because of high-powered lobbyists and special interests within a 5-mile radius of this body, we have failed, time and time again, to do what is right for the hardworking American taxpayer.

But in the coming weeks, however, we have a rare opportunity to finally deliver a tax bill that puts working families first by passing the Tax Cuts and Jobs Act into law.

First, let me address the fact that there are certain provisions within this bill that some of my colleagues and I might differ on. That will always be the case. But instead of bickering, I urge my colleagues not to look at things in a vacuum and, instead, evaluate it by asking ourselves three important questions.

The first question we should ask is: Does this bill cut taxes for the vast majority of hardworking American families? The answer to this question is yes. Studies already show that if this bill passes, a typical family of four making around $60,000 will see nearly a $2,000 tax cut.

Let's think for a second what this money could be used for. Instead of giving it to the Federal Government, families could spend it on their children, they could put it in savings, or they could even pay off their debts. President Trump promised working families around the country a tax cut. And if this was put on his desk tomorrow, that promise would be delivered.

This leads us to the second question we should ask ourselves: Would this bill bring back jobs from overseas? The answer to this question, like the first one, is also yes. By cutting the corporate tax rate to below the global average and making other necessary reforms on the business side, this bill would make us competitive with our foreign competitors and encourage business to be done here instead of abroad.

Job creators, both large and small, have been coming out in support of this bill. Companies as big as UPS and AT&T, to small businesses right in North Carolina, have said that reforming our Tax Code will make it easier for them to create more good-paying jobs, and we should listen to them.

This takes us to my last question that we should all ask: Would this bill simplify the tax filing process for working families next year and in years to come? The answer to this, as well, is yes.

Mr. Speaker, one of the most striking statistics that I have seen with my constituents and people all around the country is that they spend more than 10 hours a year doing their taxes. Because of the many different forms they

have to fill out, recordkeeping, and tax planning that they have to do, Americans are rightfully demanding a much simpler process. By doubling the standard deduction, collapsing the rates, and closing special interest loopholes, Americans will experience a much simpler process when filling out their taxes.

I know how stressful this process can be for many back home, and I am a firm believer that the last thing you should do is worry about navigating our broken Tax Code.

Mr. Speaker, I posed three questions, and the answer to all three was yes. So instead of bickering about preserving a deduction here, or a tax credit there, I urge my colleagues to unite behind a tax reform bill that would cut taxes for working families, bring jobs back home, and make the filing process simpler for millions of people.

PUT TAXES TO GOOD USE

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

Mr. KENNEDY. Mr. Speaker, no one likes to pay taxes, but when our Founders dreamt of a nation, they knew that our success would rest on every shoulder. So it is not to make us just citizens of this great country, but stakeholders where everyone chips in, where everyone contributes, where everyone has skin in the game.

It is the only way that a gutsy American experiment could work: if each of us is so committed to what this country stands for that we are willing to give a piece of what we earn to help it succeed. Of course, that willingness hinges on a system that would deliver for all of our people.

We pay into a common good because we also reap from a common investment. We send our kids to public schools. We sleep safe at night under the protection of American defense. We wear down roads and bridges with commutes, with after-school pickups, with delivery runs, and family trips. So we do our part, however begrudgingly, however it might strap us or sting us, and all that we ask for in return is that what we give gets put to good use.

The tax reform bill being offered by my Republican colleagues does not put that money to good use—not the money it takes from hardworking American families.

□ 1045

It does not ask families that are living paycheck to paycheck to fork over money that—make no mistake—they do not have so they can invest in affordable housing, so that we can help exhausted parents pay for quality childcare, and so that we can stop middle class kids from being priced out of higher education and ensure that families that are hit by catastrophic medical events don't lose their livelihood—not this bill.

Instead, this bill asks Americans to scrape their bank accounts so that the Trump administration can turn around and use that money to give to the wealthiest among us and make them even wealthier; so that they can make tax cuts for corporations permanent but abandon American workers after a few years; so that they can multiply dividends enjoyed by the 10 percent of Americans who own the vast majority of our Nation's stocks while everyone else gets left behind; so that they can blow a hole in our Federal deficit that again—make no mistake—working and middle class families will be forced to fill with their bare hands for generations to come, for we all know that the moment that this bill passes, you are going to hear those calls for cuts to Medicaid, Medicare, and Social Security come roaring back from my Republican colleagues.

So for these families, the money that they send to the American Government every year isn't just some meaningless check. It represents the late nights; the double shifts; the school plays and the teacher conferences missed; the bedtimes when you didn't make it home; the vacations you could not take; those endless, countless, thankless sacrifices that you make every single day so that you can take care of the people whom you love.

You deserve a country that will make your contribution count and that will make that investment in your family, too. This bill doesn't even come close.

CELEBRATING REVEREND BILLY GRAHAM'S 99TH BIRTHDAY

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

Mr. MCHENRY. Mr. Speaker, this morning I rise to celebrate a truly great American and one of the finest men North Carolina has ever produced, the Reverend Billy Graham, who, yesterday, celebrated his 99th birthday.

Born November 7, 1918, in Charlotte, North Carolina, Reverend Graham has devoted his life to spreading the Gospel of our Lord and Savior, Jesus Christ.

While Reverend Graham was ordained as a minister in 1939, it was not until 1949 that he gained the international recognition he is known for today. It was that year that he hosted the Los Angeles Crusade. The Crusade was originally scheduled to last only 3 weeks, but it ended up going on for over 2 months as huge crowds came to hear Reverend Graham spread the Gospel.

In the years since the Los Angeles Crusade, Reverend Graham has traveled across the United States and around the world to spread the Gospel. According to the Billy Graham Evangelistic Association, in his life, Reverend Graham has preached to nearly 215 million people in over 185 countries and territories around the world.

Reverend Graham has served as a spiritual adviser to political and faith leaders here in the United States and throughout the world. In the 1950s and 1960s, he joined Dr. Martin Luther King, Jr., for integrated crusades. In later years, he delivered invocations at the inaugurations of four American Presidents. In 1983, President Ronald Reagan awarded Reverend Graham the Presidential Medal of Freedom, which is our Nation's highest civilian honor.

Reverend Graham now resides where he has resided most of his life, in Montreat, North Carolina, where I have the honor of serving as his Representative here in Congress. While, physically, he has slowed in recent years, the power of his work over eight decades is still felt by us all. Through the Billy Graham Evangelistic Association, his life's mission continues around the world. In fact, his family's mission has continued around the world.

Perhaps the greatest testament to Reverend Graham's dedication to the Gospel is how he has chosen to spend his centennial year. Rather than celebrate his work, Reverend Graham is devoting this year to celebrating the work God has done through him.

Mr. Speaker, on behalf of everyone in western North Carolina, all Americans, and so many people around the world, I would like to wish Reverend Graham a happy first day to his 100th year.

I thank Reverend Graham for serving as a role model and spiritual guide for generations of Americans. I thank Reverend Graham for all he has done to help those in times of need, and, most importantly, I thank him personally for what he has done for me.

HONORING CATHEDRAL CITY POLICE CHIEF GEORGE S. CRUM, JR.

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

Mr. RUIZ. Mr. Speaker, I rise to honor the outstanding service and retirement of one of California's finest, Cathedral City Police Chief George S. Crum, Jr. Chief Crum is an exceptional leader in the community, dedicating his life to public service for over three decades.

He started his career 30 years ago as a police officer with the Fullerton Police Department. His commitment to keeping our citizens safe earned him many promotions over the years, from sergeant, to lieutenant, and, eventually, captain of the Fullerton Police Department. He was appointed as police chief of the Cathedral City Police Department on December 10, 2014, and recently retired on November 2, 2017.

Throughout his career, his dedication to community engagement has helped to ensure justice and build a strong community. He is a member of numerous organizations that promote safety throughout California, including the Riverside County Law Enforcement

Administrators Association, the Coachella Valley Association of Governments, and the California Police Chiefs Association.

Not only has he been a strong leader in law enforcement across the region, Chief Crum is also a leader in molding the minds of our students. He was an instructor at Fullerton College for nearly 20 years, and he is currently a Public Safety Academy instructor at College of the Desert in the valley. He serves as a mentor to the next generation of law enforcement leaders in our region, inspiring them to serve their own communities.

I am so humbled to have worked with him over the years to keep the public safe, and I am proud to call him a friend. It has also been my honor to work with him on legislation to provide robust benefits to the families of public safety officers killed in the line of duty.

Chief Crum has given so much to the community over the years, and I have a feeling this will continue even in his retirement.

So on behalf of my wife, Monica, and the entire 36th Congressional District, I want to thank Chief Crum; his wife, Rebecca; and his children, Dylan and Madison, from the bottom of my heart, for their service and sacrifice to keep our communities safe.

While we are sad to see him retire, I wish him and his family the best during his well-deserved retirement.

RECOGNIZING PETE M. ORTIZ ON VETERANS DAY

Mr. RUIZ. Mr. Speaker, this week, on Veterans Day, we honor those who have bravely served in our Nation's military. Our veterans served with incredible selflessness; they served with great courage; and they served with sacrifice, often leaving behind spouses, children, and loved ones to keep our Nation safe and to protect the freedoms we hold so dear. For this, our veterans and their families have earned our respect and our deep debt of gratitude.

On Veterans Day, we take a moment to pause and reflect on their service. So today, I want to recognize the life of one of my district's finest members, Pete M. Ortiz.

Mr. Ortiz passed away on September 14, 2017, at the age of 76. He came from a family that has committed themselves to serving our country in uniform for generations. Since World War II, over 50 members—50 members—of the Ortiz family have bravely served in our Armed Forces, putting their lives on the line to protect our freedoms.

Following his family's legacy, Mr. Ortiz honorably served in the Army National Guard from 1956 to 1960. He was awarded the Marksman Badge and Pistol Bar, an honor presented to soldiers with high marksmanship skills. I was proud to help obtain and personally present him with these medals for his distinguished service.

Mr. Ortiz was also a beloved member of the Coachella Valley. Not only was he a carpenter and avid fisherman, he was part of a unique desert skydive team, the Desert Skydivers of Coachella.

All those who knew him remember his zest for life and devotion to family. One of his greatest joys was getting his entire family together for a barbecue. His family remembers his masterful skills for grilling, especially carne asada, and his dream of one day opening his own taco stand.

To his wife, Patricia, and children, Pete, Tina, Sherry, and Sally, your father was an example to us all. His bravery, selflessness, and courage in the military are an inspiration challenging us to better serve our own communities. His adventures and curious spirit are a reminder to us all to live life to the fullest and enjoy the people and places that bring us joy.

So on behalf of my wife, Monica, and my daughters, Sky and Sage, we honor the service and legacy of Mr. Ortiz and his entire family.

From the bottom of our hearts, we thank all of our veterans for their dedication and sacrifice for our country as we honor their service this Veterans Day.

RECOGNIZING JOSEPH DOUEK

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

Mr. NORMAN. Mr. Speaker, I rise today to recognize a great American whom I had the privilege of meeting at the Library of Congress, Mr. Joseph Douek.

Mr. Douek hails from a great family. His father came penniless to America some 70 years ago. He did what is now becoming a lost art in this country—he went to work.

He went to work as a laborer and, eventually, worked his way up to where he owned a successful photography shop. He bought real estate, and he has now retired to a great retirement life, which he has earned.

Joseph, his son, has dedicated himself to public service. He has been on the New York City Planning Commission for 5 years, and he was just reelected. He is an example of somebody who has given his time, his tithe, and his talent to serve in the great State of New York and our great country.

Mr. Speaker, please join me in celebrating what he has done and really encouraging other people to do what he has done in that he has gone to work. He has done what Americans do.

RECESS

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

Accordingly (at 10 o'clock and 57 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

Pastor Jeff Williams, Faith Community Church, Janesville, Wisconsin, offered the following prayer:

Our Father in Heaven, Your Word declares that You have been our dwelling place throughout all generations and that, from everlasting to everlasting, You are God.

Your sovereignty when juxtaposed with our humanity humbles us and causes us to seek Your face on behalf of our Nation and those who govern us.

When beginning his rule, King Solomon prayed for You to grant him a discerning heart to govern Your people and to distinguish between right and wrong. Grant that same discernment in this Chamber today.

I pray for these who have been entrusted with the responsibility to govern this great people that they may adhere to the principles and convictions our country was founded upon.

Bless them and their families, I pray. Your prophet Moses prayed saying: ''May the favor of the Lord our God rest on us and establish the work of our hands for us.'' May that same favor rest upon this, the people's House, today.

In Jesus' name, I pray.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING PASTOR JEFF WILLIAMS

The SPEAKER pro tempore (Mr. BACON). Without objection, the gentleman from Wisconsin (Mr. RYAN) is recognized for 1 minute.

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, it is my absolute privilege and honor to welcome Pastor Jeff Williams, who just led us in the opening prayer. He is the head pastor at Faith Community Church in Janesville, Wisconsin.

Jeff is the son of a Swedish immigrant. Pastor Jeff began in the ministry at his home church in Rockford, Illinois, where he was born and raised.

In 1989, he and his wife, Brenda, moved about 30 minutes north up I–90 to begin Faith Community Church in Janesville. ''We had nothing but a vision,'' he said. ''No people, no equipment, and no place to meet. Just a vision and the Lord. And that was enough.''

Over the years, Pastor Jeff has turned that vision into a beautiful house of worship and fellowship at the heart of our community. I have been there many times. It is really an impressive place.

Pastor Jeff has been a very good friend to me and to our family for many years. I will note, however, that he is a Bears fan, and we can forgive him for that one.

But it is an absolute honor and privilege of mine to honor and to welcome Pastor Jeff here, and I want to thank him for offering today's prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING MORGAN SCARBRO FOR HER WORK WITH VETERANS AND MILITARY FAMILIES

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

Mr. WALBERG. Mr. Speaker, I rise today to recognize a remarkable student in my district with a heart for helping veterans, our military, and their families. Morgan Scarbro is a 14-year-old from Eaton Rapids who created a nonprofit called Morgan's HUGS.

Since the age of five, Morgan has been giving back to veterans. If there is a veteran in need, Morgan springs into action. She organizes donation drives and collects items like hygiene products, food, clothing, and more. When Morgan competes in beauty pageants, she encourages her fellow contestants to donate as well.

Morgan helps in so many other ways, too, including visiting veterans in nursing homes and putting her own Christmas on hold to give presents to military families.

Morgan's dad is a disabled veteran, and she has seen, firsthand, the sacrifices made by the men and women who serve our country. We owe them an immeasurable debt.

As Veterans Day approaches, may we follow Morgan's example and do everything we can to take care of our Nation's heroes.

OPPOSING REPUBLICAN TAX PLAN

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

Mr. SIRES. Mr. Speaker, I rise today in strong opposition to the Republican tax plan. As I have said many times before, this plan gives tax breaks to the wealthy and corporations, over the needs of American families, while adding a predicted $2.1 trillion to the national debt over the next decade.

Particularly devastating for New Jersey is the partial elimination of the State and local tax deduction. More than 25 percent of New Jerseyans would face a tax hike over the next decade due to this change.

Per person, New Jersey taxpayers paid $3,478 more in Federal taxes in 2015 than they received from the government, more than any other State. Not only would the bill aggravate this disparity in New Jersey, it would also eliminate vital deductions that give relief to those burdened with high medical costs, student debt, and unexpected losses due to natural disasters.

Mr. Speaker, I will not support a one-sided plan that harms New Jersey and those who are most in need of tax relief.

HONORING THE SERVICE OF LEWIS VILLA

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

Mr. ROTHFUS. Mr. Speaker, this coming Saturday marks Veterans Day, a day on which we honor and cherish heroes like Lewis Villa from Hopewell Township, Pennsylvania.

Nearly seven decades ago, Mr. Villa, a graduate of Aliquippa High School, followed in the footsteps of his two older brothers by enlisting in the Army. He joined the 456th Airborne Field Artillery Battalion of the 82nd Airborne and eventually became an Army Ranger assigned to 1st Company, 1st Platoon, 1st Squad of the Airborne Rangers.

He deployed in 1950 to Japan, and then Korea, where he was captured by communist Chinese forces and spent 28 months in a prisoner of war camp.

After returning home, Villa became a mailman, where he met his beloved late wife, Helana, and had two children.

Lewis Villa is a treasure of the Aliquippa community, and he rarely fails to land a joke, and always lights up a room with laughter. I would like to extend my sincerest gratitude to him as well as to all our veterans.

Happy Veterans Day, and may God bless them and their families.

THE REPUBLICAN TAX PLAN

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

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to discuss the need for tax policy that benefits hardworking families in New Hampshire and all across this country.

We are long overdue for real tax reform, but, unfortunately, the plan unveiled by my Republican colleagues is more of a giveaway to millionaires, billionaires, and corporate special interests.

In fact, consider this: 80 percent of the tax breaks in their bill go to the wealthiest 1 percent of Americans. This is while cutting $500 billion from Medicare and $1 trillion from Medicaid. That trade is, frankly, unconscionable. This bill is a bad deal for Granite Staters and a bad deal for the American people.

The Republican tax plan eliminates important deductions for hardworking middle class families. It caps property tax deductions, eliminates student loan interest deductions and the medical deduction tax credit. The plan even ends the Work Opportunity Tax Credit that encourages employers to hire veterans.

House Democrats are offering a better deal. I urge my Republican colleagues to work with us to support working families.

HONORING OUR NATION'S VETERANS

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

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor our Nation's veterans. I would like to take a moment to thank our Nation's heroes for their selfless service to our country.

It was a privilege to welcome home veterans on the Indy Honor Flight last month after they traveled to D.C. to visit memorials honoring their service and the sacrifice of our Nation's Armed Forces. It was both a humbling and inspiring opportunity to meet so many veterans who are patriots in every sense of the word. We owe it to them and their families to ensure they have access to quality care and the services they deserve.

I am proud to see many important veterans bills pass through the House this week and look forward to continuing our work in Congress to support our American heroes.

To all of our veterans, we thank you for your service, and enjoy Veterans Day. We salute you.

HONORING THE LIFE OF CARRIE BARNETTE

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

Mr. KIHUEN. Mr. Speaker, today I rise to remember the life of Carrie Barnette, a woman who was known for her love of pickles, hummingbirds, and willingness to help others.

Carrie loved country music, and she grew up listening to it at her grandparents' house. She frequently went to country music concerts and had traveled to the Route 91 Harvest music festival with her childhood friend, Jenn.

Carrie was a lifelong Californian who had just celebrated her 10th anniversary as a culinary team member at Disney California Adventure in Anaheim.

Carrie loved the children of her relatives and friends like her own, and friends say that she would have made a great mother. She also had the nickname of Aunt Carrie because all the children loved her.

I would also like to extend my condolences to Carrie's family and friends. Please know that the city of Las Vegas, the State of Nevada, and the whole country grieve with you.

ROLL CALL FAKES THE NEWS

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

Mr. SMITH of Texas. Mr. Speaker, a front-page story in Roll Call about Chief of Staff General Kelly is as misleading as you can get. It clearly is an intentional hit job.

The headline read: ''Kelly's Antics Rankle Capitol.'' The article claims, ''GOP and Democratic Members are united'' in not wanting General Kelly to speak out. But only one Republican, known for his criticism of this administration, is quoted, compared to four Democrats. Of the four Democrats, three are current Members of Congress, and one is a former Clinton administration official.

So much for balance, and so much for the article's unfounded claim. This is what passes for journalism these days. When you see stories like this one, you begin to understand why the President is right to use the term ''fake news.''

I doubt General Kelly will be intimidated, and I hope he will continue to speak out.

THE REPUBLICANS' TAX SCAM

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

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong opposition to the Republicans' tax scam. The middle class receives virtually no benefit from this bill.

This bill hits middle class Minnesotans especially hard by dismantling the State and local tax deduction. It increases costs for college students and their families. It abandons adoptive parents, and it punishes people with high medical bills.

So why does this bill hurt hardworking families? So President Trump and the Republicans can pay for giveaways to the wealthiest Americans?

Big corporations and billionaires will see their taxes slashed. Wealthy heirs and heiresses will be allowed to dodge taxes entirely. While the top 1 percent of Americans receive nearly half the tax cuts, 99 percent of us will be stuck with a Federal debt that will explode by trillions of dollars.

Mr. Speaker, this Republican bill is not tax reform. It is not a good deal for the middle class. It is a scam, plain and simple. I oppose it, and we must defeat it.

NATIONAL STEM DAY

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

Mr. HILL. Mr. Speaker, I rise today, during National STEM Day, to recognize the importance of encouraging our youth to pursue their interests in science, technology, engineering, and math fields.

As technology continues to advance, STEM occupations continue to grow and become more valuable to the development of our society. Over the past decade, employment in STEM occupations has outgrown non-STEM occupations by nearly 20 percent.

I commend the House's work in implementing the annual Congressional STEM App Challenge for students across our Nation. This competition allows students to compete by creating an idea for an app on a platform of their choice and is designed to engage student creativity and encourage their participation in STEM fields.

As a member of the Congressional STEM Education Caucus and the father of a STEM student in college, I will continue to support the growth of STEM education throughout Arkansas and our country.

□ 1215

REJECT REPUBLICAN TAX PLAN

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

Mr. KILDEE. Mr. Speaker, Democrats agree that we need to simplify our Tax Code and provide tax relief to middle-income families. Unfortunately, this Republican tax plan gives big tax cuts to the rich, huge tax cuts to corporations, and raises taxes—yes, the details matter—on tens of millions of American families, middle-income families making $100,000 or less.

It takes away for some the ability to deduct interest on their home mortgage; takes away the ability to deduct interest on student loans, for goodness' sake; and takes away the ability to deduct interest on medical expenses.

But for the loopholes that apply to the people at the very top, for the loopholes that apply to corporations, they leave them alone. They bring down their rates and let them keep their loopholes, and force us to borrow money from our children and our grandchildren to give great big tax breaks to people at the very top.

This is wrong. This is not what the American people elected us to do. We need to shut this down now. We need tax relief for middle-income Americans, not tax giveaways to the people at the very top. We ought to reject this plan, and we ought to do it now.

HONORING SERGEANT JOSH RODGERS

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

Mr. LAHOOD. Mr. Speaker, earlier this year, Army Sergeant Josh Rodgers was killed in action during a raid targeting an ISIS prison in Afghanistan, making the ultimate sacrifice while working to free those imprisoned by evil.

A native of Bloomington, Illinois, in my congressional district, Sergeant Rodgers' heroism and bravery have not been forgotten. A graduate of Normal Community High School in 2013, where he competed on the track and football teams, his teachers, teammates, and coaches remember him fondly. They say he was a natural leader and a hard worker who believed it was his duty to serve his country in the military.

That is why I am proud to stand here today to announce the introduction of a bill, with the support of the entire Illinois delegation, Republicans and Democrats, that would rename the post office in Bloomington, Illinois, the Sergeant Josh Rodgers U.S. Post Office.

Mr. Speaker, there is no way to truly thank Sergeant Rodgers or his family, but it is my hope that this building will serve to honor him and remind all of us of the price of our freedom.

REJECT REPUBLICAN TAX PLAN

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

Ms. SCHAKOWSKY. Mr. Speaker, here is the Republican tax scam: first, cut taxes for the wealthiest corporations and for the superrich. Number two, cut Americans' healthcare.

Don't take my word for it. Just look at the Republican budget. After clearing the way for a $1.5 trillion tax cut, it proposes cutting Medicare and Medicaid—coincidentally, I don't think so—by $1.5 trillion.

It gets worse. Under the Republican tax bill, American families would no longer get to deduct major medical expenses from their taxes. Seven in 10 households using the medical expense deduction make under $75,000 a year, and over half of the Americans who depend on that medical deduction are over 65 years old.

Families struggling to afford cancer treatment or long-term care should not have to pay a health tax so that billionaires can get a huge tax cut.

Mr. Speaker, I urge my colleagues to reject this scam. Americans deserve a better deal.

79TH ANNIVERSARY OF KRISTALLNACHT

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, November 9 marks the 79th anniversary of Kristallnacht. Referred to as the ''Night of Broken Glass,'' the German high command issued orders to target Jews because of their faith.

Disguised as normal citizens, members of the SS and the Gestapo destroyed hundreds of synagogues, looted and vandalized thousands of businesses, arrested tens of thousands of innocent civilians, and killed nearly 100. This atrocity was a harbinger of one of history's darkest periods, the Holocaust.

The anniversary of this grave tragedy serves as a constant reminder of what happens when hatred and bigotry flood the minds of our world. When evil is met with silence and indifference, all of mankind suffers.

Unfortunately, the world has not learned a lesson from the past. Anti-Semitism has seen a troubling rise across the globe, and we must continue our fight toward ending this brutal chapter of intolerance.

Mr. Speaker, November 9 serves as a reminder of this tragedy, but also as an opportunity to fight this hatred and all forms of hatred, and vow to never let such an atrocity to ever occur again.

GOP TAX PLAN KILLS HOUSING AND INFRASTRUCTURE INVESTMENT

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Mr. Speaker, it is increasingly obvious what a sham of a tax plan the Republicans have proposed, slashing taxes on the superrich and large corporations at the expense of the middle class.

What is less well known, and what the Republicans don't want to talk about, is their proposal to repeal tax-exempt private activity bonds and, therefore, to kill the same public-private partnerships that they profess to support.

States, local governments, and private partners around the country use private activity bonds to finance a wide array of infrastructure projects, like highways, airports, hospitals, water treatment facilities, and affordable housing.

In North Carolina, for example, private activity bonds financed and upgraded the terminal at Raleigh-Durham International Airport and are being used by our State housing agency to attract investors for new multifamily housing developments worth more than $700 million.

If Republicans get their way, these projects would die on the vine, and more than 6,200 units of affordable housing would simply disappear.

How does that help working families realize the American Dream?

At a time when funding for housing and infrastructure is continually squeezed, the last thing we should do is push through a plan that would hamstring our State and local governments and destroy our ability to leverage private investment.

Mr. Speaker, I urge my colleagues to oppose the Republican tax plan.

AMERICANS DESERVE A BETTER TAX DEAL

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

Mr. SARBANES. Mr. Speaker, I rise today to oppose the Republican tax plan, a tax plan that is of, by, and for the wealthy and well connected.

How do we know this?

Yesterday, a Republican Congressman told a Capitol Hill reporter: ''My donors are basically saying, 'Get it done or don't ever call me again.' ''

There you have it, a window into the true motivation for this bill. It is a massive giveaway to the big donor class. It slashes the corporate tax rate, guts the estate tax to benefit millionaires and billionaires, and creates a new loophole so the superwealthy can disguise their income.

What is worse, this Republican tax bill would be devastating for millions of middle- and lower-income Americans. It attacks the State and local tax deduction and the mortgage interest deduction. It eliminates tax deductions for medical expenses and student debt. It increases the deficit by approximately $1.5 trillion.

Mr. Speaker, Americans deserve a better deal.

REMEMBERING ELIJAH PARISH LOVEJOY, AMERICA'S FIRST MARTYR TO FREEDOM OF THE PRESS

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

Mr. SHIMKUS. Mr. Speaker, in a time of national strife that we see our Nation in every now and then, it is good to remember history.

Mr. Speaker, 180 years ago yesterday, a man named Elijah Parish Lovejoy was run out of St. Louis city for writing and publishing an abolitionist newspaper called the St. Louis Observer. He then moved across to Alton, Illinois, where he continued to advocate the end of slavery.

On the 7th of November, 1837, Lovejoy received a new press. Many of his printing presses were thrown into the river. When he got the new press from the Ohio Anti-Slavery Society, the local slave owners heard about the arrival of the new machine and they decided to destroy it.

A group of his friends attempted to protect it, but during the attack, Lovejoy was shot in the head and died. Elijah Parish Lovejoy was America's first martyr to freedom of the press. Of course, we debate the press, but the press is still an important institution in our society.

In 1952, the Elijah Parish Lovejoy Award was established and it is given to a member of the newspaper profession who continues the Lovejoy heritage of fearlessly defending freedom.

Mr. Speaker, I think it is important to come back and remember a great moment in our history.

TAXES WILL GO UP EVERY APRIL 15

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

Mr. CÁRDENAS. Mr. Speaker, I rise today to ask and highlight which Americans will see their taxes go up every April 15 under the Republican tax scam. Middle class families, teachers, firefighters, nurses, veterans, folks paying off student loans, seniors with medical expenses, small businesses, and every homeowner will pay more in taxes. Over 50 million Americans will see their taxes go up every April 15.

Both students and teachers are hurt by this tax scam. This tax scam will make it harder for teachers to afford supplies for their classrooms. The Republican tax scam eliminates medical expense deductions. The adoption tax credit goes away. Student loan deductions, gone. State and local tax deductions for homeowners, forget about it. This tax scam is just wrong.

Mr. Speaker, it hurts hardworking American families and it benefits the largest corporations.

TAX PLAN PROVIDES TAX RELIEF

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

Mr. HUIZENGA. Mr. Speaker, I had planned to come down to the floor here to manage some bills here in a couple of minutes, but I decided I needed to take this opportunity to address some of the things that the American people might have been hearing from the other side of the aisle just now.

This is absolutely just political demagoguery what is going on. Frankly, it is political malfeasance. This is about simplification. This is about fairness. This is about making sure that hardworking American men and women and their families have the opportunity to live the American Dream.

Right now, we have a Tax Code that is massive, first of all. Second, it is filled with loopholes and exceptions that lobbyists and the well connected have put in there over the last number of decades. It is time to change that. The American people deserve this.

There is real tax relief for real working families, and that is why I think you are seeing such enthusiasm out of the American people for this tax plan.

TAX PLAN WILL RAISE TAXES

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

Mr. CLAY. Mr. Speaker, let me see if I can inject some truth into this.

Mr. Speaker, I rise to oppose the deficit-exploding Republican tax plan that rewards billionaires first, and then asks hardworking Americans to pay for it.

The Trump Republican tax scam will raise taxes for millions of working families. It will kill jobs in the home construction industry. It will punish student loan borrowers. This reckless plan will repeal the deduction for State and local income and sales tax. I would remind my colleagues in the majority: If you vote ''yes,'' you are voting for a $900 billion tax increase on American families.

This bill is not conservative. It is not pro-family. It is not pro-worker. It will kill jobs and reward the wealthy and corporations at the expense of everyone else.

Vote ''no'' on the GOP tax scam, and let's pass a real tax reform bill that puts middle class families first.

□ 1230

DEMOCRATS WILL DELIVER A BETTER DEAL

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

Mr. JEFFRIES. Mr. Speaker, last night all throughout our great country, hatred lost in America; fear-mongering lost in America, race-baiting lost in America, xenophobia lost in America, homophobia lost in America, Confederate monuments lost in America, the war on Medicaid lost in America, voter suppression lost in America, the Trump playbook lost in America, and the make America hate again agenda lost in America.

Democrats will continue to focus on the economic well-being of the American people, will continue to fight for better jobs, better wages, and a better future for the American people.

Democrats will continue to fight to deliver a better deal.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 2017.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 8, 2017, at 9:37 a.m.:

That the Senate passed S. 1088.
That the Senate passed S. 1015.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 2201, MICRO OFFERING SAFE HARBOR ACT

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2201) to amend the Securities Act of 1933 to exempt certain micro-offerings from the registration requirements of such Act, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

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

Mr. BUCK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. BUCK. Mr. Speaker, I rise today in support of the rule and the underlying legislation. The rule provides 1 hour of debate and makes in order all amendments offered at the Rules Committee.

I want to note that not one amendment to this rule or to this bill was offered by the Democrats.

Mr. Speaker, the Micro Offering Safe Harbor Act is an important step toward helping small businesses grow across our country. Small businesses aren't just about selling a product or providing a service. Entrepreneurs take the risk for a chance to improve their community and their family's livelihood. These individuals employ our friends and families and improve our quality of life. Congress needs to do what we can to help entrepreneurs succeed.

Young businesses need to use their limited capital, time, and resources to grow their business, not fill out bureaucratic paperwork. This problem has only grown worse since Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act in 2010.

When Dodd-Frank passed, Congress promised it would protect consumers. But it has only hurt community banks, small businesses, and the middle class. Dodd-Frank's burdensome regulatory regime has caused community banks to disappear across America, making access to capital more difficult for many small businesses.

The House passed the Financial CHOICE Act to repeal and replace Dodd-Frank, but it currently sits untouched in the United States Senate. I hope they will quickly vote to repeal Dodd-Frank and make credit easier to access for Main Street.

But there is more we can do in the people's House to help create new jobs and opportunities. All too often the Federal Government creates regulations that disproportionately hurt small businesses. While a large corporation may have a team of lawyers to comply with these rules, this is rarely the case for a young business. That is why I support this bill.

This bill ends ambiguity in the law by clearly defining a nonpublic offering exemption under the Securities Act. Currently, companies just starting out risk unintentionally violating these laws, which might discourage them from seeking the capital they need to grow. It is common sense to ensure our country's laws are clear and to allow small businesses to operate without fear of accidentally violating the law.

Our economy depends on small businesses and those who put everything on the line to pursue the American Dream. This bill will benefit all of us by helping those individuals grow their businesses and create jobs in their communities. In order to help our small businesses grow and create jobs, we need to pass this rule and pass the underlying bill.

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

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

Mr. Speaker, the Securities Act of 1933, which, obviously, was put into effect after the Depression or while it was going on, governs current law regarding the sale and purchase of securities like stocks, bonds, or options. The intent behind this law is to require that investors receive necessary information about the securities and to prevent fraud when they are sold.

To achieve this, the Securities and Exchange Commission currently prohibits the sale or delivery of securities that have not been registered with the agency, with some limited exemptions. Today, these exceptions are usually limited to those transactions made with sophisticated investors who understand the associated risks.

H.R. 2201 would weaken the Securities Act unnecessarily by adding an entirely new exemption for certain issuers while removing important disclosure requirements.

Let me say that again: while removing important disclosure requirements, in other words, to know what you are buying.

It would leave investors vulnerable to fraud by allowing companies to sell unregistered securities without the important guardrails that apply to these transactions today. It is part of the majority's agenda that prioritizes deregulation above all else.

Through the Congressional Review Act and many other bills, the majority has been relentlessly attacking safeguards that protect consumers—risking our health, our safety, and our finances. This is all in order to make it easier for corporations to engage in questionable business practices.

Who loses in the giveaway to big corporations and bad actors? The American people do.

Mr. Speaker, I have always believed that a bad process leads to a bad product. This week has put the majority in the history books for all the wrong reasons.

Closed rules completely block Members from offering amendments on the House floor, and just yesterday, with the 49th closed rule of the year, this majority broke the record for becoming the most closed session of Congress in history. That is a long time.

Let me repeat that. This session of the 115th Congress is the most closed session ever. In fact, our present Speaker has not had an open rule.

This is not some arcane matter. More than 1,300 amendments have been blocked this year through the restrictive rules. It has prevented action on matters that touch nearly every sector of society.

This week we saw another mass shooting in a church. Families gathered together in a small Texas town, and a man with a gun came in and killed 26 of them and wounded 20 more. One family lost eight of its cherished members. Those killed in that attack equal 7 percent of the small town's entire population.

Now, this Congress could work together and actually stop these tragic murders because this is the place where we can do that, but under the majority, we can't even get a vote on any measure that would do anything about it.

If you care about whether we send troops to war in Afghanistan and Syria—if you care—then closed rules matter.

If you care about protecting whistleblowers or reducing government spending, then closed rules matter.

If you care about whether we build the President's offensive border wall with Mexico or strengthen ethics in the executive branch, then closed rules matter.

If you care about protecting the nearly 800,000 young DREAMers nationwide, then closed rules definitely matter.

The majority has used restrictive closed and structured rules to prevent debate and votes on these and many, many other important matters from ever happening here on the House floor.

Each of us has been elected to do our job representing our constituents by amending legislation on this floor, but because of the closed process, we are being prevented from doing our jobs.

Bills routinely come before the Rules Committee that haven't even been fully considered by the relevant committees. Such a bill is before us today.

When Speaker RYAN took the gavel 2 years ago, he said: ''Only a fully functioning House can really, truly do the people's business.'' Well, Mr. Speaker, we are not doing the peoples business. We are unable to do the job we were sent here to do. We are unable to take action on the things our constituents care about most.

It is no wonder that this Congress is the most unpopular Congress in recent memory. It is past time that we return to regular order and start tackling the major issues that we face.

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

Mr. BUCK. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. EMMER).

Mr. EMMER. Mr. Speaker, obtaining accessible and reliable forms of capital is one of the biggest challenges that small businesses and entrepreneurs face today. I will say that again. We are not talking about large corporations. We are talking about small businesses and entrepreneurs.

According to the 2016 Year-End Economic Report from the National Small Business Association, 41 percent of all small businesses surveyed said that ''lack of capital is hindering their ability to grow their business or expand their operations, and 20 percent said they had to reduce the number of employees as a result of tight credit.''

That is why I introduced the Micro Offering Safe Harbor Act. This bill does not create a new securities registration exemption under the Securities Act; rather, it defines what constitutes a permissible nonpublic offering, and it provides small businesses with the clarity and confidence to know that their offering is not a violation of the Securities Act.

If enacted, this will make it easier for entrepreneurs and small businesses—again, not large corporations—to raise money from family, friends, and their personal network without running afoul of the vague and undefined private offering safe harbor provisions in the Securities Act of 1933.

More specifically, this legislation requires the following three criteria be met simultaneously in order to trigger a safe harbor exemption for a security offering: each purchaser must have a substantive preexisting relationship with an owner; there can be no more than 35 purchasers of securities from the issuer that are sold in reliance on the exemption during the 12-month period preceding; and, lastly, the aggregate amount of all securities sold by the issuer cannot exceed $500,000 during the 12 months preceding the offering.

The Micro Offering Safe Harbor Act helps bring clarity to existing law so that our current and future job creators can easily raise capital within the confines of an easy-to-understand provision without the help of an ever increasingly expensive expert.

□ 1245

Furthermore, the legislation preserves all Federal and State antifraud protections. Ultimately, this bill will scale existing Federal rules and regulatory compliance for small businesses, thus providing another practical option for entrepreneurs to raise the capital they need to start and grow their business.

The timing for this legislation could not be better, as the House continues to promote job creation and economic growth through this once-in-a-generation effort to reform our Tax Code.

As our small businesses and startups continue to provide for over half of all current jobs and over 65 percent of all net new jobs since the 1970s, we must provide the tools they need to succeed, and this legislation does just that.

I thank Chairman HENSARLING, Chairman SESSIONS, and Chairman HUIZENGA for working to bring this important bill to the floor.

Mr. Speaker, I urge my colleagues to support the previous question, adopt the rule for H.R. 2201, and vote in favor of the Micro Offering Safe Harbor Act when it comes to the floor for consideration.

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

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 3440, the Dream Act. This bipartisan, bicameral legislation would help thousands of young people who are Americans in every way, except on paper.

Democrats have tried numerous times to protect DREAMers. We voted over and over to try and bring the Dream Act, and we have offered amendments, only to be blocked by this record-breaking closed Congress. There is bipartisan agreement that something must be done to help these young people. Let's do it today.

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. AGUILAR) to discuss our proposal.

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

Mr. Speaker, today I must ask a question of this Chamber: What makes America great?

Do we measure greatness by the strength of our economy or by the size of our military?

Is greatness defined by export prices and profits of corporations?

You see, Mr. Speaker, I don't think that is the case. I believe that we are a nation built upon a set of unshakable values. It is our ability to uphold these values, not the rise and fall of the stock market, that will ultimately define our greatness.

One of our values is this: if you work hard, set goals, and refuse to give up, you can fulfill your dreams. As Americans, this value is engrained into all of us. We repeat it each and every day, and we tell our kids to follow their dreams, or tell them that they can be anything that they want when they grow up.

We say these things, Mr. Speaker, because we believe them. We believe that hard work pays off. We believe that dreams can come true.

Yet, on September 5 of this year, President Trump ignored these American beliefs when he ended the DACA program. That decision told nearly 800,000 young people in this country that their hard work didn't matter and that their dreams of pursuing success might not pay off in the end.

These young DREAMers, who are as American as any of us, go to school here, they have jobs here, they raise families in our communities, and they serve in our military.

This is why each and every day we fail to pass the Dream Act, we call the values that make our country great into question. If we fail to pass this bipartisan legislation, then we are no longer a nation where hard work pays off.

I will be forced to explain that to DREAMers in my district. I will have to tell Minerva, who paid her way through college, that she will have to give up her dream of medical school. I will have to explain to Leticia that, despite becoming the first in her family to attend college, she will not be able to fulfill her dream of serving others as a social worker.

You see, Mr. Speaker, these are real young people with real dreams. They deserve a real answer. They put in the work, they have done everything they can to build lives in this country, and we need to come together to make sure that we uphold our values and allow them to continue those lives here.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we can bring the Dream Act to the floor for a vote immediately. This country is great because we uphold our values. Mr. Speaker, it is time that we prove that.

Mr. BUCK. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. HUIZENGA), chairman of the Subcommittee on Capital Markets, Securities, and Investments.

Mr. HUIZENGA. Mr. Speaker, I appreciate my friend from Colorado allowing me an opportunity to speak on this bill.

Mr. Speaker, currently, the Securities and Exchange Commission prohibits the sale or delivery of securities that have not been registered with the agency.

A large portion of startups—and, really, these are ideas—rely on small, nonprofit offerings also known as private placements, such as with friends and family. They do a round of offerings in order to raise initial, early-stage seed capital; however, the Securities Act of 1933 does not define what constitutes a public offering or, conversely, a nonpublic offering. As a result, startups may unintentionally violate the act when it seeks to offer securities to potential investors in a private placement.

Let's put that in real English. Let's make this actually approachable in a way that I think true American entrepreneurs can understand.

The reality is, these are people with an idea, a drive to move forward and to improve something. They go and offer to their family, or maybe ask of their family, to be a part of that dream, to help with some seed capital, to give them a little bit of their hard-earned money to help them achieve their dream.

And, guess what?

They get to take part in the success of that. There is some risk, but there is also reward.

How this really translates is that there might be the doctor who has got a great idea for a new health drink or a new implement to use while he is in surgery. This might be a mom who left the workforce and was taking care of her kids and said: There has got to be a better way of making sure my kids are getting a healthy meal transported to school; or something like that.

These are people who are looking around and saying: I can go make life better not for me, not just for my family, but for others. They are then trying to pursue that.

To address this uncertainty that we have, H.R. 2201, the Micro Offering Safe Harbor Act, would implement a simple amendment to the Securities Act of 1933, by making clear what constitutes a nonpublic offering.

It is going to provide small businesses with needed clarity and confidence to know that their offering is not a Securities Act violation. Think of that. Again, it might be that doctor or that stay-at-home mom who is out there just trying to fund an idea, unintentionally and with no malice or no understanding that they are violating Federal law.

A micro-offering authorized under this bill would allow small businesses or small entrepreneurs to operate with confidence, and the commonsense requirements to be a part of this are such:

Each investor has a substantive preexisting relationship with an owner. This is no fly-by friendship. This is somebody who you actually know;

There are fewer than 35 purchasers or investors; and

Also, the amount cannot exceed $500,000.

If you just divide out $500,000, which is a lot of money, by 35 people, that is less than $15,000 a person. That is $14,285, to be exact. This is not about helping Wall Street somehow, for crying out loud. This is about Main Street.

I believe it is important to note, as the sponsor, Mr. EMMER, had noted earlier, that nothing in this bill would remove or inhibit the authority of the Securities and Exchange Commission or the Department of Justice from prosecuting securities fraud.

With antifraud protections still in place, the legislation appropriately scales Federal rules and regulatory compliance costs for these small businesses and entrepreneurs.

H.R. 2201 is a commonsense bill designed to help Main Street and not Wall Street. Simply put, it will allow these small businesses and entrepreneurs, these DREAMers, to access capital necessary for their growth.

As I said, Representative EMMER has done a phenomenal job in shepherding this through. In a 2016 Capital Markets, Securities, and Investments Subcommittee hearing where we dealt with the bill, he had a great quote that said:

''The problem with the ability of small businesses to effectively use this exemption is—the term 'private offering' is not defined in law. Not only does this prevent small business from using the exemption, it leaves businesses who try to use the exemption and can't afford a team of expensive lawyers—which, again, most small businesses cannot—exposed to potential lawsuits and future liability. . . . This legislation will create a bright line safe harbor for small private offerings. It will help entrepreneurs open new businesses and expand existing ones.''

Mr. Speaker, I applaud the hard work of my colleague, Mr. EMMER, on this bill, and I encourage all my colleagues to vote in favor of H.R. 2201.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, unnecessary, partisan bills like this one take up valuable floor time when we could be considering important legislation to extend expired programs like Perkins loans, which help low-income students finance their education, or to address gun violence. The American people are frightened of an agenda that prioritizes deregulation and corporations above all else.

Democrats have been pushing for votes on the House floor on amendments that would actually address the

major problems we are facing today. That includes everything from climate change and our military's role abroad to protecting the DACA recipients and addressing the gun violence epidemic that is tearing communities apart. But we have been blocked at every turn.

The majority has gone to unprecedented lengths to prevent any kind of real debate from happening. We have proof of that because they have used closed and structured rules to block more than 1,300 amendments so far this year. So far, this session is the most closed session of Congress since Congress began.

It is no wonder that just 13 percent of the public approves of Congress under this leadership. That is according to the latest figures from Gallup. The bill before us just continues that dangerous and unpopular agenda.

Mr. Speaker, I urge a ''no'' vote on the previous question, the rule, and the bill, and I yield back the balance of my time.

Mr. BUCK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is an important step to improve the American economy. We need to support small businesses and their ability to grow. This will happen if we give the free market the opportunity to work.

We should get bureaucrats out of the way of small-business owners who only want to serve their families and communities. This bill moves us in that direction.

I thank Congressman TOM EMMER for introducing this important bill and for taking the time to come to the floor today. I also thank Chairman HENSARLING for his work on these bills as well as the House Financial Services Committee.

Chairman HENSARLING recently announced that he will not be seeking reelection to Congress, but we will all remember the great work he has done during his time in D.C. and the important contribution he made to the legislation we are looking at today.

Mr. Speaker, I ask my colleagues to vote ''yes'' on the rule, and I ask them to vote ''yes'' on the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 609 OFFERED BY MS. SLAUGHTER

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

SEC. 2 Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting the resolution, if ordered; and

Suspending the rules and passing H.R. 4173.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 616]

YEAS—224

Abraham	Curbelo (FL)	Herrera Beutler
Allen	Davidson	Hice, Jody B.
Amash	Davis, Rodney	Higgins (LA)
Amodei	Denham	Hill
Arrington	Dent	Holding
Bacon	DeSantis	Hollingsworth
Banks (IN)	DesJarlais	Hudson
Barletta	Diaz-Balart	Huizenga
Barr	Donovan	Hultgren
Barton	Duffy	Hunter
Bergman	Duncan (SC)	Issa
Biggs	Duncan (TN)	Jenkins (KS)
Bilirakis	Dunn	Jenkins (WV)
Bishop (MI)	Emmer	Johnson (LA)
Bishop (UT)	Estes (KS)	Johnson (OH)
Black	Farenthold	Johnson, Sam
Blackburn	Faso	Jones
Blum	Ferguson	Jordan
Bost	Fitzpatrick	Joyce (OH)
Brady (TX)	Fleischmann	Katko
Brat	Flores	Kelly (MS)
Brooks (AL)	Fortenberry	Kelly (PA)
Brooks (IN)	Foxx	King (IA)
Buchanan	Franks (AZ)	King (NY)
Buck	Frelinghuysen	Kinzinger
Bucshon	Gaetz	Knight
Budd	Gallagher	Kustoff (TN)
Burgess	Garrett	Labrador
Byrne	Gianforte	LaHood
Calvert	Gibbs	Lamborn
Carter (GA)	Gohmert	Lance
Carter (TX)	Goodlatte	Latta
Chabot	Gowdy	Lewis (MN)
Cole	Granger	LoBiondo
Collins (GA)	Graves (GA)	Long
Collins (NY)	Graves (LA)	Loudermilk
Comer	Graves (MO)	Love
Comstock	Griffith	Lucas
Conaway	Guthrie	Luetkemeyer
Cook	Handel	MacArthur
Costello (PA)	Harper	Marchant
Cramer	Harris	Marino
Crawford	Hartzler	Marshall
Culberson	Hensarling	Massie

Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—190

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

NOT VOTING—18

Aderholt
Babin
Bridenstine
Cheney
Coffman
Cuellar
Gosar
Grothman
Hurd
Johnson, E. B.
LaMalfa
Mitchell
Norman
Pocan
Rooney, Thomas J.
Roybal-Allard
Sanford
Walker

□ 1326

Messrs. KHANNA, RYAN of Ohio, and HOYER changed their vote from ''yea'' to ''nay.''

Messrs. CALVERT, KATKO, SMITH of New Jersey, and GOODLATTE changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. GROTHMAN. Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 616.

Ms. CHENEY. Mr. Speaker, I was unavoidably detained in a meeting with the Secretary of the Navy. Had I been present, I would have voted "yea" on rollcall No. 616.

Mr. COFFMAN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 616.

The SPEAKER pro tempore (Mr. HULTGREN). The question is on the resolution.

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 233, nays 190, not voting 9, as follows:

[Roll No. 617]

YEAS—233

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

NAYS—190

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

Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Aderholt
Bridenstine
Cuellar
Hurd
Johnson, E. B.
Mitchell
Pocan
Roybal-Allard
Sanford

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1334

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS CRISIS LINE STUDY ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4173) to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 618]

YEAS—420

Abraham
Adams
Aderholt
Aguilar
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Espaillat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—12

Allen
Bridenstine
Cuellar
Franks (AZ)
Hurd
Johnson, E. B.
Messer
Mitchell
Pocan
Roskam
Roybal-Allard
Sanford

□ 1340

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FRANKS of Arizona. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 618.

PERSONAL EXPLANATION

Mr. SANFORD. Mr. Speaker, I was detained this afternoon at Georgetown University Hospital as my youngest son Blake broke his nose last evening and I was attending to him. Had I been present, I would have voted "yea" on rollcall No. 616, "yea" on rollcall No. 617, and "yea" on rollcall No. 618.

HYDROPOWER POLICY MODERNIZATION ACT OF 2017

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include in the RECORD extraneous material on H.R. 3043.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 607 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3043.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. UPTON) and the gentleman from Illinois (Mr. RUSH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1345

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

Mr. Chairman, I rise today in strong support of H.R. 3043, the Hydropower

Policy Modernization Act of 2017. This legislation, introduced by my friend and colleague from the Energy and Commerce Committee, CATHY MCMORRIS RODGERS, is an important step toward modernizing our energy infrastructure, creating jobs, and, yes, strengthening our economy. I want to thank her for her commitment to this issue.

The committee went through regular order with the bill. We held two hearings on background issues, one legislative hearing, and both subcommittee and full committee markups, where the bill was agreed to by a voice vote. Following the markups, bipartisan committee staff held more meetings to hear from over a dozen Tribal governments to gather additional views.

I think that the resulting bill strikes a careful balance. Changes were made to increase State and Tribal consultation requirements, and a very strong savings clause was added to protect States' authorities under the Clean Water Act.

Hydropower is an essential component of an all-of-the-above energy strategy for this country. Hydropower is clean; it is renewable and affordable base load power. It is good for consumers' electricity bills, and it is also good for jobs, which is why labor is strongly supportive of this legislation.

There is a tremendous opportunity to expand hydropower production on existing nonpowered dams. Less than 3 percent of the dams in the U.S., approximately 2,200 dams, produce electricity. There are also opportunities to improve the process for the projects that are due for relicensing. By 2030, over 400 existing projects, with almost 19,000 megawatts of capacity, will begin the relicensing process, and these projects, in fact, may be at risk.

Fixing the licensing process would also improve safety. Upgrading the performance of existing dams and utilizing existing nonpowered dams, canals, and conduits would enable investments, which would address aging dams and, yes, improve overall safety.

The duration, complexity, and uncertainty of the hydropower licensing process creates significant challenges that prevent investments that would create jobs and benefit consumers. The licensing process for a new hydropower development project can last over a decade and costs tens of millions of dollars—significantly longer than the time that it takes to construct a natural gas-fired power plant of the same size.

This legislation, H.R. 3043, would level the playing field by modernizing the permitting process without compromising environmental protections. The bill improves administrative efficiency, accountability, and transparency. It requires balanced, timely decisionmaking and reduces duplicative oversight from the multiple Federal agencies that review hydropower applications.

This bill brings certainty and timeliness to the licensing process by enhancing consultation with Federal, State, and local agencies and Indian Tribes, and it requires FERC to establish a process for setting the schedule for review. H.R. 3043 streamlines and improves procedures to identify scheduling issues, propose licensing conditions, and resolve disputes.

This bill also contains provisions to expedite the approval process for an amendment to a license for a qualifying hydro project upgrade. Without the hydropower licensing improvements in this bill—without them—we risk losing investment opportunities in new hydropower infrastructure which would benefit consumers with affordable electricity and expand the use of clean, renewable energy.

Again, I thank my colleagues for their work, and the great staff, on this important piece of legislation.

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

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, October 31, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy & Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 3043, the ''Hydropower Policy Modernization Act of 2017.'' This bill contains provisions within the jurisdiction of the Committee on Oversight and Government Reform. As a result of your having consulted with me concerning the provisions of the bill that fall within our Rule X jurisdiction, I agree to forgo consideration of the bill so the bill may proceed expeditiously to the House floor.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3043 at this time we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and we will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would appreciate your response to this letter confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

TREY GOWDY.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 1, 2017.

Hon. Trey Gowdy,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN GOWDY: Thank you for your letter concerning H.R. 3043, Hydropower Policy Modernization Act of 2017. As you note, this bill contains provisions within the jurisdiction of the Committee on Oversight and Government Reform, and appreciate your agreement to forgo consideration of the bill so the bill may proceed expeditiously to the House floor.

I agree that by foregoing consideration of H.R. 3043 at this time, the Committee on Oversight and Government Reform does not waive any jurisdiction over the subject matter contained in this or similar legislation, and you will be appropriately consulted and involved as the bill or similar legislation moves forward so that you may address any remaining issues that fall within your Rule X jurisdiction. Further, I will support the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, a copy of our exchange of letters on this matter will be included in the Congressional Record during floor consideration thereof.

Sincerely,

GREG WALDEN,
Chairman.

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

Mr. Chairman, I rise in strong opposition to H.R. 3043, the Hydropower Policy Modernization Act of 2017.

Mr. Chairman, while Members on both sides of the aisle support hydropower, unfortunately, the bill before us today is deeply flawed and will not modernize or improve the hydropower licensing process. Instead, Mr. Chairman, H.R. 3043 would place private profits above the public interest by giving priority of our public waterways to industry in order to generate power and profits over and above the rights and the interests of Native Tribes or farmers or fishermen, boaters, and other stakeholders who also rely on these public rivers and streams.

Mr. Chairman, it is very important for us to remember that hydroelectric licenses can span between 30 and 50 years, and, under existing law, a license holder can be granted automatic yearly extensions in perpetuity without even having to reapply.

Mr. Chairman, this issue is far too important for us not to get it right this time. And what does H.R. 3043 actually do?

This bill will make the Federal Energy Regulatory Commission, FERC, the lead agency over the licensing process and will require Native Tribes, the States, and other Federal resource agencies to pay deference to the Commission, even in areas where FERC has absolutely no expertise or statutory authority, including on issues regarding agricultural water use, drinking water protection, fisheries management, and recreational river use. How absurd, Mr. Chairman.

Additionally, Mr. Chairman, H.R. 3043 would expand and alter the trial-type hearing provisions on the Federal Power Act, essentially rigging the process in favor of industry by providing multiple new entry points to challenge conditions designed by Federal resource agencies.

Mr. Chairman, the threat of these timely and costly hearings may be used to coerce agencies to propose weaker conditions, and, at the same time, this bill also shifts the venue for these hearings to FERC, which is another very obvious handout and handover to industry.

Mr. Chairman, in testimony before the Energy and Commerce Committee, we heard, repeatedly, that a major

cause for licensing delays was due to incomplete applications that do not include all the pertinent information that is necessary to issue a decision.

Mr. Chairman, H.R. 3043 does nothing, absolutely nothing, to address this very, very serious issue. In fact, this bill will implement strict timelines on Federal resource agencies, States, and Tribes, but does not require applicants to submit all of their information to these agencies before the clock actually starts ticking.

Mr. Chairman, FERC, itself, the very agency that will be charged with implementing this grossly bad bill, FERC, itself, disputed claims that this bill would streamline the licensing process, noting that the legislation ''could increase the complexity and the length of the licensing process.'' These are FERC's words, FERC's words before the committee.

Mr. Chairman, we cannot allow hydropower facilities to claim a monopoly over our public waterways without mitigating the negative impacts of these facilities on others who rely on these resources and without, at the same time, without complying with modern environmental laws.

H.R. 3043, Mr. Chairman, is opposed by States, opposed by the Native Tribes, opposed by the outdoor recreation industry and by more than 150 national and local environmental organizations.

Mr. Chairman, it is for all of these reasons that I, too, stand in concert and side by side with Native Tribes, the outdoor recreation industry, and the other 150 national and local environmental organizations. It is for these reasons that I, too, must oppose this bill, and I urge all of my colleagues to do the same.

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

Mr. UPTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington State (Mrs. MCMORRIS RODGERS), the author of this legislation.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I appreciate all of the work that has gone into this legislation, and I rise in support and urge support of the Hydropower Policy Modernization Act of 2017.

Hydropower serves as the Nation's largest source of clean, renewable, reliable, and affordable energy. In my home State of Washington, it is roughly 70 percent of our electricity that comes from hydropower. It is one of the reasons that we enjoy some of the lowest electricity rates in the country.

Only 3 percent of the dams produce electricity, and there is room for tremendous potential to increase production of this renewable energy resource. In fact, we could double hydropower production and create an estimated 700,000 new jobs without building a single new dam, simply by updating the technology in our existing infrastructure and streamlining the relicensing process. But we must reduce the regulatory burden to allow this process to move forward.

This legislation seeks to streamline the relicensing process in an inclusive and environmentally friendly way. On average, it only takes 18 months to authorize or relicense a new natural gas facility—18 months—but it can take up to 10 years or longer to license a new hydropower project or relicense an existing facility—10 years.

Right now, it can be extremely costly and an uncertain process to relicense an existing dam or license a new dam. Investors are pursuing other base load sources of energy because of the current regulatory process. I want to encourage these investments so that we can support and expand renewable, carbon-free hydropower.

As I understand it, hydropower is well-supported by my colleagues, but many think we are tipping the scales in favor of this source.

First, I would like to define industry. We are hearing a lot about industry on the other side.

In eastern Washington, many of these dams are owned by small PUDs who pass on all of the costs to the ratepayers. These costs are delivered to the people of eastern Washington and throughout the United States. These are not major corporations.

I have also heard that we are lowering environmental standards during the licensing process for Tribes and States. At the request of the Western Governors' Association, we added language to clarify that nothing in this bill—nothing in this bill—will touch the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Rivers and Harbors Appropriation Act, or the National Historic Preservation Act.

I have also heard that we did not allow Tribes and States to testify on this bill. I struggle with these comments. This bill has gone through regular order. We have held multiple hearings. We had a member from the Standing Rock Sioux Tribe on one of the panels. It passed out of committee with a voice vote because concerns were raised from the Tribes, and we committed to sitting down and working with the Tribes to attempt to reach some language. I am proud of our efforts in that regard, and I am greatly disappointed that, at the end of the day, the Tribes did not come to an agreement on the legislation.

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Although we weren't able to reach that resolution, we do protect the integrity of this legislation.

Licenses are complex, but there is no excuse for a process to take 10 years. It is time to update the approval process and make hydropower production easier and less costly without sacrificing environmental review. That is exactly what the Hydropower Policy Modernization Act of 2017 will do.

Specifically, my legislation designates FERC as the lead agency for the purpose of coordinating all applications of Federal authorizations, and establishes coordinated procedures for the licensing of hydropower projects.

By designating FERC as the lead when coordinating with agencies, States, and Tribes, there will be added transparency and collaboration. This added certainty in the relicensing process will diminish the burden on resource agencies, help avoid unnecessary delays, and ultimately lower costs to my constituents.

My legislation also incentivizes capital-intensive projects like updating turbines or improving fish ladders. Right now, these upgrades are only included in the lifespan of a dam's license during the relicensing window.

Included in the legislation is an early action provision requiring FERC to include all protection, mitigation, and enhancement measures during the relicensing process. In addition, the legislation allows the timely and efficient completion of licensing procedures by minimizing the duplication of studies and establishing a program to compile a comprehensive collection of studies and data on a regional or basin-wide scale. At the same time, industry has the option to help pay for studies and staff resources to speed up the process.

As a co-chair of the Northwest Energy Caucus, I recognize and I am excited about the tremendous potential hydropower brings not just to my district in eastern Washington, but to the country. By utilizing currently untapped resources and unleashing American ingenuity, hydropower production will lower energy costs and help create jobs.

This bill is not about changing outcomes or environmental law. This bill is about speeding up the process and saving time and money.

Mr. Chair, I urge all of my colleagues to support clean American energy and to support the Hydropower Policy Modernization Act of 2017.

Mr. RUSH. Mr. Chair, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE), from the State that made such a significant and giant step last night to making our Nation a better nation, the ranking member of the full committee.

Mr. PALLONE. Mr. Chair, I thank Mr. RUSH, our ranking member of the subcommittee, for yielding.

Mr. Chair, I rise in strong opposition to H.R. 3043.

I support hydropower. It can deliver low-carbon, affordable power if it is well-sited and managed. But these facilities, which are licensed for 30 to 50 years, can do enormous harm to fisheries, agriculture, and recreational cultural resources if not properly overseen. The hydropower licensing process can be more efficient, but electric utilities should not be permitted to operate without license conditions that ensure other public interests are met.

As I look at H.R. 3043 and weigh it against the list of stakeholders with interests in the rivers and watersheds

that provide hydroelectric facilities their fuel, I see a bill that is unbalanced, regressive, and dangerous; that will harm farmers, fishermen, boaters, Tribes, and drinking water.

H.R. 3043 will allow private hydropower companies to use public water resources to generate power and profit, but without mitigating the negative impacts of their facilities on others who rely on our rivers, and without complying with modern environmental laws.

H.R. 3043, is a direct assault on States' rights, Tribal rights, and it undercuts major environmental laws, including the Clean Water Act, the National Environmental Policy Act, and the Endangered Species Act. It prioritizes the use of rivers for power generation above the needs of all other water uses, and it inserts the Federal Energy Regulatory Commission into decisions that it has no authority, experience, or expertise to make.

So what this bill will not do is speed up the licensing process. FERC testified before our committee that one of the causes of delay in the licensing process was the failure of the applicant to provide a complete application, yet this bill does nothing to ensure that an applicant provides one. It makes no sense to impose a deadline if there is no clearly defined starting point in the form of a completed application.

How can a State make a decision on a water quality certificate if the applicant hasn't submitted the information that State needs to make that decision?

While FERC requires applicants to submit a complete application on the matters over which it has direct responsibility, the Commission has many times denied a similar opportunity to State and Federal agencies with regard to matters where they have primacy. In fact, FERC has a history of merely consulting with other stakeholders while dismissing their concerns and failing to incorporate minimal resource protections into hydropower licenses.

As an example, FERC recently failed to impose a number of conditions the State of West Virginia included in its water quality certificate for a project on the Monongahela River. FERC did this in spite of the fact that West Virginia acted in a timely manner. West Virginia acted in accordance with its law and delegated responsibility under the Clean Water Act.

Yesterday, I sent a letter with several of my colleagues to FERC expressing concern over the process it used on this project.

This bill virtually ensures that type of situation will be repeated. Now, a project that is noncontroversial, supported by the State, is likely to be stalled by hearings and other possible litigation that could have been avoided.

Mr. Chair, the truth is that H.R. 3043 treats Federal agencies, State governments, and Indian Tribes as second class citizens in this process. FERC is required to consult with them, but consultation does not ensure they will get FERC's support to fulfill their missions.

In this bill, all of the discipline is applied to government agencies, but none to the applicant. This is especially true in the case of license renewals. Any license that wants to avoid new investments or operating conditions can certainly do so because FERC will grant them automatic annual license renewal for as many years as they need.

Another reason why this bill will not expedite hydroelectric licenses is because, rather than streamlining the process, H.R. 3043 greatly expands litigation opportunities, something that will increase the expense and time required to award a license. It does this by providing for a biased, costly trial-type hearing process to secure decisions in the utility's favor.

Current law allows a single opportunity to challenge an agency condition to avoid undue expense and delay in the licensing process. H.R. 3043 expands the opportunities to challenge agency decisions, allows multiple challenges, and moves the venue for these hearings.

Not even FERC thinks that this is a good idea. In fact, at our hearing on this bill, the Deputy Associate General Counsel of FERC advised the committee to either retain the existing trial-type hearing process or eliminate it altogether.

Well, that advice obviously fell on deaf ears because the bill puts the trial-type hearing process on steroids. In essence, the private hydro companies pick the venue, set the rules, and secure additional points in the license process to challenge conditions that Federal resource agencies or FERC seeks to impose on a license to protect public interests. FERC warned that this change would increase the expense, complexity, and the length of licensing process—hardly the traits you would associate with streamlining.

Ultimately, the bill is a bad bill because it is bad for Native Americans; it is bad for the environment; it is bad for recreation; it is bad for farmers and agriculture; and H.R. 3043 is bad for States, that will now find it much harder to protect water quality and manage the waters within their boundaries.

Maybe that is why the bill is opposed by States, Tribes, the outdoor recreation industry, and more than 150 national and local environmental organizations.

Opponents of the bill include the Western Governors' Association, the Southern States Energy Board, the National Congress of American Indians, the Environmental Council of the States, the Outdoor Alliance, the National Wildlife Federation, the American Rivers, Trout Unlimited, and the League of Conservation Voters, among many others.

Perhaps the ultimate condemnation comes from FERC, which, in testimony before our committee, disputed claims that the bill would streamline the licensing process, noting that the legislation ''could increase the complexity and length of the licensing process.''

Hydropower facilities are using our most precious resource: water.

I don't think it is too much to ask that facilities awarded long-term licenses and free fuel share the rivers with others.

Mr. Chair, I urge my colleagues to oppose the bill.

Mr. UPTON. Mr. Chair, I yield 1½ minutes to the gentleman from Virginia (Mr. GRIFFITH), a member of the Energy and Commerce Committee.

Mr. GRIFFITH. Mr. Chairman, hydropower is an essential component of an all-of-the-above energy strategy.

We have a tremendous opportunity to expand renewable hydropower production. However, without some much-needed licensing improvements, we risk losing investment opportunities in new hydropower infrastructure. In particular, closed-loop pumped storage hydro projects offer the opportunity to store energy for use when it is needed.

I have introduced separate legislation, H.R. 2880, with the goal of making the review process of these projects as efficient as possible. Both H.R. 3043 and H.R. 2880 will allow the Federal Energy Regulatory Commission to impose licensing conditions only as necessary to protect public safety, or that are reasonable, economically feasible, and essential to protect fish and wildlife resources.

I am excited about the possibility some are exploring to build these facilities in abandoned mine lands. This renewable energy solution for power could be a real benefit to our coal field regions in central Appalachia in the form of jobs, economic development, and energy security. I am proud of what we are doing here in an effort to make this happen.

Industry and labor groups alike support H.R. 3043 because a modern regulatory framework for hydro is good for jobs and good for consumers. The following groups have written in support of the bill:

The American Council on Renewable Energy, the International Brotherhood of Boilermakers, the International Brotherhood of Electrical Workers, the International Federation of Professional and Technical Engineers, and many others.

Mr. Chairman, I include in the RECORD the letter containing the names of supporters.

NOVEMBER 6, 2017.

The undersigned groups are writing to express strong support for H.R. 3043, the Hydropower Policy Modernization Act of 2017, and to request your vote as it is considered on the floor of the U.S. House of Representatives this week.

Hydropower is America's single largest provider of renewable electricity, making up almost one-half of all generation from renewable resources. Given that hydropower is an important source of domestic, emissions-free, flexible power needed to ensure consistent and reliable electric service, we must

look to preserve and protect our existing hydropower system and promote new expansion opportunities.

H.R. 3043 provides a framework that adds accountability and transparency, eliminates inefficiencies and redundancies, and unlocks innovation and advancements in technology and operations, while protecting environmental values, public participation, and all existing authorities of federal and state decision-makers in the licensing process

The current regulatory environment is placing hydropower at risk. The licensing process can result in both new and existing projects taking up to ten years or longer to receive their approvals. This not only creates uncertainty for project owners and developers alike, but burdens electricity customers with additional unnecessary costs and only delays important environmental measures that the industry, resource agencies, and the environmental community agreed upon during the licensing process and want to see deployed.

Additionally, the fleet of almost 2,200 hydropower projects across the country supports approximately 118,000 ongoing full-time equivalent jobs in operations and maintenance and 25,000 jobs in construction and upgrades. By maintaining our existing fleet and supporting growth in the sector, the hydropower industry could support close to 200,000 jobs. Further local economic development in other industries is also spurred due to access to affordable electricity from hydropower projects. However, we will not realize the full measure of these jobs and economic opportunities without improvements to the licensing process.

We believe H.R. 3043 is a moderate proposal developed with bipartisan input and, as such, deserves strong support by both Republicans and Democrats. Please contact any of our organizations for additional information or assistance on this bill.

Sincerely,

The American Council on Renewable Energy (ACORE), American Public Power Association (APPA), Business Council for Sustainable Energy (BCSE), Edison Electric Institute (EEI), International Brotherhood of Boilermakers (Boilermakers), International Brotherhood of Electrical Workers (IBEW), International Federation of Professional and Technical Engineers (IFPTE), Large Public Power Council (LPPC), Laborers' International Union of North America (LiUNA), National Electrical Contractors Association (NECA), National Hydropower Association (NHA), National Rural Electric Cooperative Association (NRECA), North America Building Trades Council (NABTU), United Brotherhood of Carpenters and Joiners of America (Carpenters).

Mr. UPTON. Mr. Chair, can I inquire as to how much time is remaining on both sides?

The Acting CHAIR (Mr. ROGERS of Kentucky). The gentleman from Michigan has 17 minutes remaining, and the gentleman from Illinois has 16 minutes remaining.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES), a very important member of the committee.

Mr. SARBANES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chair, I rise in opposition to the Hydropower Policy Modernization Act of 2017 because it weakens States' rights to protect their own water quality.

Under the Clean Water Act, States have the right to protect their water by setting water quality conditions on hydropower licenses. This bill would constrain that authority, forcing States to issue rushed conditions using incomplete scientific data, or surrender their authority to issue conditions at all. In short, the choice that States have to protect their water and their people is to either do it poorly or not at all.

We had a fix for this. We had an amendment to H.R. 3043, but it was not made in order. It would have preserved the critical role States play in protecting local water quality by exempting their rights under the Clean Water Act from the bill.

For Marylanders in my State, this issue is bipartisan and hits close to home. FERC is currently considering the relicensing of a hydroelectric dam on the Susquehanna River. The Susquehanna provides 50 percent of all of the freshwater that reaches the Chesapeake Bay, making it a critical driver of the Bay's water quality. Any new FERC license will need to have conditions that protect the Susquehanna and the Bay from the sediment and nutrient pollution built up behind the dam. That is why even Republicans in our State, the secretary of the environment, and secretary of natural resources sent a letter urging Congress to strike the provisions in this bill that would limit Maryland's ability to set water quality conditions.

I am disappointed that my colleagues on the other side of the aisle in this body, who so often remark on the importance of protecting States' rights from usurping Federal agencies, have refused to protect States by bringing this critical amendment to the floor.

Mr. Chair, I urge all of my colleagues to oppose H.R. 3043.

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Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), who is the chair of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Chairman, I want to draw attention, first of all, to page 17, line 23, of the bill because we have heard from those who oppose it that somehow this could adversely undermine the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, et cetera.

Line 23 makes it very clear, ''No effect on other laws. Nothing in this section shall be construed to affect any requirement of'' these underlying and very important laws that protect our environment.

So I just want to make sure that is in the RECORD. This is the current text of the bill we are voting on today.

Mr. Chairman, I rise in support of H.R. 3043, the Hydropower Policy Modernization Act.

Hydropower plays an enormously important role in electricity generation across the country, and especially in my home State of Oregon. Hydropower generates 43 percent of electricity in my State. It is dependable base load, it is carbon-free, it is renewable, and it is very important to our region.

Nationally, hydropower is one of the largest sources of renewable electricity generation. A recent Department of Energy report said that U.S. hydropower could grow by almost 50 percent by the year 2050.

Thankfully, my good friend from Washington, CATHY MCMORRIS RODGERS, introduced this legislation because, as these entities go to relicense, sometimes it costs tens of millions of dollars just to get a renewal of a government permit to continue to do what you have been doing, and it can take 7 to 10 years to work through the process. By the way, all those costs generally—guess who pays for them? The ratepayers. People paying their electricity bill end up paying for all this incredible, out-of-control review and regulation.

As the committee worked on this legislation under the able hand of the chairman of the Subcommittee on Energy, Mr. UPTON, we solicited feedback from all stakeholders as we crafted this. We made a number of changes to address the concerns. We had hearings, and we had lots of other individual discussions and roundtables. We added new provisions to ensure that States and Tribes are consulted early in the licensing process to identify and resolve issues of concern.

We also made sure that State and local governments could recoup the cost of reviewing applications and conducting studies. We even added a strong savings clause that clarifies our intent that nothing in the bill shall be construed to effect any requirement of the Clean Water Act, the Endangered Species Act, and other environment laws.

As a result, we find ourselves here today with bipartisan support for this legislation and the support of the American Council on Renewable Energy, the American Public Power Association, the Business Council for Sustainable Energy, Edison Electric Institute, the International Brotherhood of Boilermakers and Electrical Workers, the International Federation of Professional & Technical Engineers, the Large Public Power Council, Laborers' International Union of North America, the National Electrical Contractors Association, the National Hydropower Association, the National Rural Electric Cooperative Association, North America Building Trades Council, and the United Brotherhood of Carpenters and Joiners of America—those most intricately involved in making sure we have reliable and clean base load hydropower.

Support this modernization legislation. Mr. Chairman, it is bipartisan, and I urge my colleagues to support it.

Mr. RUSH. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I thank the ranking member of our subcommittee, the gentleman from Illinois, for his leadership and hard work on the subcommittee and for yielding me this time.

Mr. Chairman, I want to express a few concerns with the bill before us. But first, let me say that I support hydropower and believe it must be maintained as an important part of our generation mix.

Hydro is an excellent source of reliable, zero-emissions electricity generation. In order to address climate change and increase clean energy production, it is, indeed, critical that we make licensing and relicensing of these projects feasible.

This is an important issue for my home State of New York. Hydropower resources produce 19 percent of New York State's total electricity generation in 2016. The average age of New York's hydropower facilities is over 50 years, and many projects are expected to go through the relicensing process in the next 15 years.

I want to reiterate that Members on both sides of the aisle want to see these projects developed within reasonable timelines. I understand the current challenges in relicensing and the desire to bring greater certainty to the process. However, I do not think the bill before us would address those concerns in a balanced approach, which takes into account the legitimate concerns of State and Tribal governments and environmental stakeholders.

The process that produced this bill was flawed from the beginning. The committee failed to hold a hearing to understand the concerns of State and Tribal governments or Federal resource agencies. These entities would be those whose authorities may be limited by FERC under this legislation.

The bill enables FERC to set a schedule that may limit State and Tribal governments and other Federal agencies from having the time to fully consider and, yes, set conditions on license applications.

An enforceable FERC schedule, outside the control of these agencies, may create a perverse incentive for applicants to slow-walk their responses to information requests from other agencies and State governments, effectively running out the clock and preventing conditions from being required on the application.

Our water resources are precious. Different stakeholders have a variety of expectations and demands—power generation, recreation, wildlife and fish habitat, drinking water, and agriculture. Managing these resources effectively is about balancing those often-competing interests.

The Democratic alternative addresses the schedule concern by allowing stakeholders to be involved in the creation of the schedule-setting process. But I also believe FERC has some of the necessary tools already in the underutilized Integrated Licensing Process which encourages all stakeholders to engage in a robust, information sharing process up front.

Now, finally, to set the record straight, I listened intently as the gentlewoman from Washington State, the sponsor of the bill, spoke to the fact that the Standing Rock Sioux were, indeed, represented at hearings, that they had a witness at the FERC hearings. They were there to discuss pipelines and not hydro.

Mr. Chairman, so I am opposing this bill today, but I hope we can move forward with a truly bipartisan process in the future to improve the licensing process while respecting the needs of all stakeholders.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who is a member of the Natural Resources and Armed Services Committees, to speak in support of the bill.

Mr. LAMBORN. Mr. Chairman, I rise today in support of H.R. 3043, the Hydropower Policy Modernization Act of 2017, sponsored by the gentlewoman from the State of Washington (Mrs. MCMORRIS RODGERS).

This bill simply intends to bring hydropower permitting into the 21st century by improving efficiency, accountability, and transparency within the Federal Energy Regulatory Commission and also reducing Federal duplication.

Hydropower is a reliable and emissions-free source of electricity that accounts for much of the Nation's total renewable electricity generation. In fact, only 3 percent of existing dams in the United States produce hydroelectricity. This illustrates the vast opportunity in this country for new hydropower generation.

In the Water, Power, and Oceans Subcommittee of the Natural Resources Committee which I chair, we have spent much of this Congress crafting and advancing legislation to capitalize on these opportunities. Legislation such as my bill, the Bureau of Reclamation Pumped Storage Hydropower Development Act, is intended to promote pumped storage hydropower development at existing reclamation facilities. Mrs. MCMORRIS RODGERS' bill in front of us today goes hand in hand with those efforts.

Even our friends across the aisle agree with our efforts to promote hydropower development. At a May oversight hearing in my subcommittee on the challenges facing hydropower, committee Democrats helpfully suggested that we should find ways to retrofit all nonpowered Federal facilities with hydropower. We should all agree that improving the permitting and approval process for these facilities would be the easiest way to achieve this goal.

Mr. Chairman, I want to thank Congresswoman MCMORRIS RODGERS again for sponsoring this critical piece of legislation. She has been and continues to be a champion supporter of hydropower. Just last month, my subcommittee considered another bill authored by the Congresswoman—H.R. 3144—that looks to provide certainty and reliability to several Federal hydropower projects producing electricity in the Federal Columbia River Power System that have been mired in third-party litigation, questionable and expensive judicial edicts, and onerous Federal regulations.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, February 17, Oroville Dam, California, a 30-foot potential tsunami coming down on the cities of Oroville and further down the river in Marysville and Yuba City. 200,000 people evacuated. Thankfully, the rain did stop and the levee, or the spillway, that had failed did not become a catastrophe.

FERC is now in the process of relicensing the dam, and a complete environmental impact statement is now more than a decade over, 2007. However, there have been very significant changes like, you know, maybe the dam could collapse, or the spillway. We know that the river has been further congested with the material that came from the broken spillway.

There are serious negative environmental impacts that have resulted from the damaged spillway. The river can't carry the same capacity. It has been silted.

Bottom line, it is for these reasons that a failure by FERC to require a supplemental environmental impact statement would be a serious abdication of FERC's responsibility.

Unfortunately, a proposed amendment by Mr. LAMALFA, my good Republican colleague, and me to require such a supplemental impact statement was not included in the bill. Nevertheless, my message to FERC is clear: you must do this so that there is full protection and full understanding of the potential impact that this dam will have on communities, our water supply, as well as flooding.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 3043 from Representative MCMORRIS RODGERS, the Hydropower Policy Modernization Act of 2017.

For centuries, Western States have fought over scarce water supplies. We even have an expression in the West that says: Whiskey is for drinking and water is for fighting over.

Water scarcity in the West led our visionary forefathers to build Federal water storage projects throughout the West to provide water, hydropower, recreation, flood control, and environmental benefits while adhering to States' water rights.

These were nonpartisan endeavors, as evidenced by President John F. Kennedy dedicating the San Luis Dam in California. While the Central Arizona Project came after President Kennedy,

it continues to bring prosperity to Arizona's cities, Tribal communities, ranches, and farms almost 50 years after its inception.

The Glen Canyon Dam and other projects affiliated with the Colorado River Storage Project provided the backbone of a regional economy that has produced year-round and emissions-free hydropower.

H.R. 3043 streamlines the permitting process and encourages the expansion of hydropower generation by establishing a single lead coordinating agency, the Federal Energy Regulatory Commission, FERC, in order to facilitate in a timelier manner all hydropower authorizations, approvals, and requirements mandated by Federal law.

This bill will also dramatically decrease costs to relicense non-Federal dams, a huge win for the West.

Presently, FERC exercises jurisdiction over 1,600 non-Federal hydropower projects at more than 2,500 dams under the Federal Power Act.

According to FERC, the relicensing workload is increasing dramatically. Between FY 2017 and FY 2030, roughly 480 projects amounting to 45 percent of FERC-licensed projects will begin the relicensing process.

Rural co-ops, power companies, and other stakeholders in the West need a clear process without the bureaucracy. Let's get bureaucracy out of the way and pass H.R. 3043 so we have a clear process moving forward for pursuing worthwhile hydropower projects.

Mr. Chairman, I thank the gentlewoman from Washington for the sponsorship of this much-needed legislation, and I urge my colleagues to vote in support of this commonsense bill.

Mr. RUSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. RUIZ).

Mr. RUIZ. Mr. Chairman, I rise in strong opposition to H.R. 3043, the Hydropower Policy Modernization Act, which undercuts Federal-Tribal treaty and trust obligations. In fact, parts of this bill specifically eliminate protection for Tribes and ensure that dams and other hydropower projects do not harm Tribal fisheries, livelihoods, or violate treaty rights.

This is unacceptable. Not only does this undermine Tribal sovereignty, but it flies in the face of our moral and legal obligation to protect Tribal treaties, land, and resources under the Federal trust responsibility.

I am especially disappointed that the majority had the opportunity to fix this issue, yet walked away from the table. Even though I brought this up as an issue to fix in committee, the majority rushed this bill through committee for a House vote without adequately addressing Tribal concerns.

□ 1430

Furthermore, the majority refused to make in order my amendment, meaning they denied the fix to empower Tribes to set reasonable conditions on hydropower projects to protect their reservation and resources. In fact, the letter sent by Democratic Ranking Member PALLONE requesting a hearing to allow Tribal input and Tribal participation on this particular issue was left unanswered.

So I say this to those Republicans who do support Tribal sovereignty and self-determination: You can still fix this issue and improve the Federal hydropower licensing process, simultaneously, while still protecting Tribal treaty rights, by supporting the Rush substitute amendment.

Join the Democratic Rush amendment that includes language to empower Tribal governments to determine when a project may harm their Tribe. Without this fix, this bill undermines Tribal governments and harms resources and lands, therefore, putting energy profits above Tribal treaty rights.

I urge my colleagues to take a stand. Do not ignore your responsibility to Tribes when it matters most. Support the Democratic substitute amendment sponsored by Representative RUSH that preserves the responsibility of the Federal Government to honor treaty obligations and protect Tribal resources.

Mr. UPTON. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chair, I rise in support of H.R. 3043, the Hydropower Modernization Act of 2017.

In my area of California's Central Valley, we have the Turlock and Modesto Irrigation Districts. They have been fighting for over 8 years to relicense the Don Pedro hydropower facility. This is on the Tuolumne River. This is where we get our drinking water for the families in our communities; this is where we get our water for irrigation for our farms; yet our ratepayers have been spending money, for over 8 years, just on the relicensing process.

They have had engineers and scientists who have done 35 studies. They have done the modeling for FERC to show all the different impacts that will be had here. In the process, they have spent $30 million already. They planned to spend over $50 million.

We are not going to have one drop of extra water storage. This is not going to improve the quality of the water that the people in my district are going to drink. No new water, no better quality—it is still going to see the same conditions for our fish, the same conditions for our streambeds.

After $50 million and over 8 years, all we will have done is completed over 35 studies to continue to look, continue to go through red tape, and the people in my district will still have a water shortage. We can do things much better.

Close to me, we also have the Merced Irrigation District, as well. They have been working over a decade in relicensing the Exchequer Hydroelectric project. Over $20 million has been spent. Again, the same type of scenario: for farmers and families, no new improved water quality, no new water storage, just a decade and $20 million for many, many studies that are not improving our process.

The Acting CHAIR. The time of the gentleman has expired.

Mr. UPTON. Mr. Chair, I yield the gentleman from California an additional 30 seconds.

Mr. DENHAM. Mr. Chair, this legislation is not going to solve all of our problems for California's Central Valley, but it will help us with the challenges we are facing with relicensing.

We can do things better, we can do them more efficiently, and we can actually bring water delivery to the people who need it most. It starts with FERC relicensing and changing the process to a much more transparent and efficient process. This bill deserves a ''yes'' vote, which will help us through that process.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chair, I thank the gentleman from Illinois for yielding.

Mr. Chair, I rise in support of H.R. 3043, the Hydropower Policy Modernization Act.

Mr. Chair, I believe, and I think others do as well who have had experiences within their constituencies, within their congressional districts, that the hydro relicensing process is plainly broken, plain and simple.

Let me give you a couple of real-life examples of why this legislation is needed, and why it is needed now. They both provide energy in my district for the people in the San Joaquin Valley, for households, for farmers, and for people in the valley, and they are the same two examples that Congressman DENHAM spoke of a moment ago.

The Turlock and Modesto Irrigation Districts have worked through the licensing process in good faith for more than 8 years, and they have spent over $30 million to renew the license for Don Pedro Dam, a facility that has been in operation for almost 40 years. The districts estimate that, when they are finished with this process, they will have spent almost $50 million.

Meanwhile, the Merced Irrigation District, my constituency, has spent over 10 years and $20 million to relicense the Exchequer Hydroelectric project. This process is still not finished. This facility has been in operation for over 60 years.

Since these are public agencies, these costs are passed on to the ratepayers in mostly small, rural communities that Congressman DENHAM and I represent. It raises their electric costs. It makes no sense.

This is about maintaining clean, renewable energy. This is about reducing the regulatory burden and not passing these costs on to the ratepayers. Given the experience that I have just given you, my constituents believe that, frankly, this bill could go further in removing inefficiencies in the relicensing

process, but it is a good first step. It is a work in progress. It is certainly not perfect.

I support the legislation, and I urge my colleagues to do the same.

Mr. RUSH. Mr. Chair, may I inquire as to how much time is remaining on both sides.

The Acting CHAIR. The gentleman from Illinois has 5 minutes remaining. The gentleman from Michigan has 7½ minutes remaining.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this commonsense hydropower streamlining process for modernizing the way we permit in order to bolster the process for over 400 existing hydropower projects in the United States. It is very important in my area as well.

Hydropower delivers clean, reliable, and renewable power 24 hours a day, unlike other renewable power sources which fluctuate with time of day, weather, sun or wind, or lack thereof.

California has a long history of hydropower generation. In 2014, California, alone, produced 14,000 megawatts of electricity from hydropower facilities—again, clean, renewable, and reliable. You turn on the switch, hydroelectric power.

My district in northern California is home to two of the largest facilities in the country: Oroville Dam and Shasta Dam. Each of these facilities delivers cost-efficient power, provides flood control, and generates significant local economic activity for the community via stored water and recreation.

With local input, which is very important, we need to address the streamlining of this process and expanding renewable hydropower production in this country to pave the way for new jobs and affordable power to consumers everywhere.

Relicensing permits ought not be a wish list for every special interest, but, indeed, on measures of the power that can be generated.

Mr. Chairman, I appreciate the time, and I wholeheartedly support and urge this House to support H.R. 3043.

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

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. GIANFORTE).

Mr. GIANFORTE. Mr. Chair, I rise to join my colleagues in supporting the Hydropower Policy Modernization Act.

Nearly one-third of the electricity generated in Montana comes from hydropower. The Libby, Hungry Horse, and Noxon Rapids projects each have the generating capacity of more than 400 megawatts. There are dozens more smaller hydropower facilities in Montana, from Thompson Falls to those around Great Falls, to Tiber and Fort Peck and Yellowtail.

This legislation will ensure that existing projects will have timely relicensing and enhance consultation between Federal, State, local agencies, and our Indian Tribes. It will also help provide certainty for new projects.

I know, in my home State, there are proposals to electrify existing flood control and irrigation dams, like the Gibson Dam, that face ongoing licensing issues. I have introduced legislation to address that particular one.

This bill is a step in the right direction for hydropower nationwide, and I am happy to support it.

Mr. RUSH. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I include in the RECORD letters from Confederated Tribes and Bands of the Yakama Nation, Puyallup Tribe of Indians, Snoqualmie Tribe, Skokomish Indian Tribe, and a copy of the resolution passed in October 2017 by The National Congress of American Indians opposing the proposed amendments to the Federal Power Act.

CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA NATION,
Toppenish, WA, November 7, 2017.

Re Hydro legislation still bad for Indian Tribes, States and Users of Public Waterways.

Hon. PAUL RYAN, Speaker,
Hon. NANCY PELOSI, Minority Leader,
Honorable Members of the House of Representatives, Washington, DC.

DEAR SPEAKER RYAN, MINORITY LEADER PELOSI AND HONORABLE MEMBERS OF CONGRESS: Yesterday, when the Rules Committee discussed HR 3043, the Hydropower Policy Modernization Act of 2017, a number of members of the committee including Chairman Sessions, Congressman Cole, Congressman Newhouse, Congressman McGovern, Congresswoman Cheney as well as the Chairman Walden and Ranking Subcommittee Member Rush (who were testifying), all stressed the importance of ensuring that Indian tribes have their treaty rights and natural resources protected by any actions of the Congress relative to hydropower reform. We greatly appreciate the concerns of these members and the amount of time they spent discussing tribes and dam relicensing. I think many of them were aware of the degree to which the placement of dams has negatively affected a number of reservations, flooding some and damaging salmon runs at others. While there was universal agreement that the rights of tribes and states must be protected, there was not agreement on whether HR 3043 accomplishes that laudable intent. I must tell you that the bill does not do so.

First understand what the Federal Power Act (FPA) now says.

Under provisions that have been in effect for decades, state governments, pursuant to the Clean Water Act, are able to set water quality standards at hydro dams. Such conditions are mandatory. Allowing states to establish water quality standards, a key aspect of Federalism that many in Congress have always fought for, was a lynchpin of the grand bargain reached when the Clean Water Act became law. While Federalism has not really benefitted Indian tribes, we are surprised that the Congress would weaken the ability of states to protect the public in this fashion. We hope you will read what many states have said in letters to the Committee, i.e., HR 3043 weakens their ability to ensure their standards are met during the licensing process. Letters of this nature have come from entities as varied as the Western Governors Association and the Southern States Energy Board.

Also under the longstanding language of Section 4(e) of the FPA, Cabinet Secretaries with authority over ''federal reservations'' are directed to ensure that a proposed hydro project doesn't negatively affect a reservation or interfere with its congressionally designated use. These include all lands and marine reserves in the Federal estate from Indian reservations, to National Forests to Wildlife Refuges. Section 18 of the FPA deals with the establishment or modification of fishways to ensure fish can pass over these dams. The Secretaries of Commerce (for NMFS) and Interior (for USFWS) deal with fish passage and the Secretaries of Interior (for BIA, BLM, USFWS and NPS) and Agriculture (for USFS) deal with protecting federal reservations. They have the authority to propose mandatory conditions on hydro dams to ensure their operation protects these federal resources that belong to all Americans.

The legislation weakens the conditioning authority for protecting state water quality, for fishways and for federal reservations by transferring significant decision-making authority to FERC. Under the bill, FERC and the license applicant can challenge the necessity of a condition and have that challenge heard via a trial-type hearing only at FERC before an Administrative Law Judge (ALJ) at that agency. Under present law, decisions such as these are heard by ALJs in the agency making the recommendation, where the expertise resides. This provision in the bill is legislating forum shopping and directing that the decision be made before an entity whose expertise is in areas such as energy markets and safety at power plants. FERC and its ALJs have no expertise relative to Indian treaty rights or the Federal Land Policy and Management Act among many bedrock laws and FERC testified before the Committee that they do not want to be given this newfound authority. While having trial-type hearings at FERC and authorizing FERC to set all manner of schedules in the permitting process will certainly create countless billable hours for attorneys representing license applicants, it will do nothing to protect the interest of Indian tribes or the public at large, and as stated above, is directly contrary to state authority under the Clean Water Act and Secretarial authority now found in the Federal Power Act.

Yesterday we heard that this process will expedite licensing but if that is the goal then wouldn't it make sense to determine when an application for a license is complete? Tribes repeatedly asked the hydropower industry to clarify that matter in the bill but they refused. Why? Existing hydropower dam licenses were issued decades ago before any environmental statutes were on the books and many of those dams are fish killers. Under the present law, when a license expires the operator can automatically get annual extensions allowing it to operate under 30–50 year old standards. These extensions can go on for year after year with the operator not having to spend any money to mitigate the damage to fish or other resources. This is more than ironic considering that the hydropower industry is telling Congress that they need the legislation to ensure certainty and time frames in the relicensing process. Additionally, the bill is drafted in such a fashion that FERC can set schedules that are so abbreviated that Tribes, Cabinet Secretaries or States who wish to comment and perhaps undertake a fishery study when necessary may not have the time to properly prepare suggested or mandatory operating conditions. It is noteworthy that FERC told the Committee that they don't see the legislation actually streamlining the application process. Also, we checked today and could find no tribes in support of this bill.

We believe the Amendment in the Nature of a Substitute (AINS) incorporates much of what the majority proposed in HR 3043 while incorporating many changes that are reflective of the input that the Committee received from states and tribes who took the time to relay views and concerns to the Committee. A key part is the requirement for a negotiated rule-making to improve and expedite the hydro licensing process by bringing in states, local governments, stakeholders and tribes to FERC to develop a process that will enable FERC to make decisions on license applications within a maximum of three years. We urge you to vote for the AINS. Without such changes it is highly unlikely that the bill will make it through the Senate. Thank you for considering our views.

Sincerely,

JODE L. GOUDY,
Tribal Council Chairman.

PUYALLUP TRIBE OF INDIANS,
Tacoma, WA, August 9, 2017.

Re Hydropower Policy Modernization Act, H.R. 3043.

Hon. GREG WALDEN,
Chairman, Energy and Commerce Committee, Washington, DC.

Hon. FRANK PALLONE,
Ranking Member, Energy and Commerce Committee, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: I write to express the Puyallup Tribe's strong objections to the amendments to the Federal Power Act that are now being considered as part of the Hydropower Policy Modernization Act, H.R. 3043.

First, the bill would give FERC, an agency with no relevant experience or capacity, the responsibility for determining the scope of environmental review that Interior, Commerce, States and even Tribes should undertake.

Second, H.R. 3043 would upset the careful balance that now exists under federal law and let FERC set the timeline on case-by-case basis for agencies to impose mandatory 4(e) conditions and other requirements, including Section 18 (fishways) and Clean Water Act permits. The consideration of hydropower licenses is a complicated process that must consider the impact of a project on watersheds and numerous species of fish and wildlife before giving operators 50-year licenses to take power from these ecosystems. It takes time to do the necessary studies to determine what types of conditions can best protect these watersheds, including sensitive fisheries habitat, and the resources not only for Treaty-reserved Indian Reservations and resources, but also for the multiple users of these watersheds, including recreation, commercial fishing, and agriculture. If FERC's past actions are any guidance, FERC will impose unrealistic deadlines that the agencies will not meet. This bill will return the Nation back to a time when hydropower projects flooded Indian lands, extirpated entire species of salmon, and destroyed critical cultural resources.

Third, this bill would allow FERC for the first time to make a determination that a mandatory condition is inconsistent with the Federal Power Act. This would undermine the Supreme Court's decision in Escondido Mut. Water Co. v. La Jolla Band of Mission Indians, 466 U.S. 765 (1984), which held that the FPA provides no authority to FERC to impose restrictions on the 4(e) conditions submitted by the Secretary of Interior. The current process affords the hydropower industry ample opportunity to consider and respond to potential Sections 4(e), 18, and Clean Water Act conditions. Hydropower licensees can (and in fact do) actively participate in the process by which these conditions are deliberated and set. And while these conditions are not subject to modification by FERC, they are subject to judicial review, and FERC is free to express its disagreement with the conditions, so that FERC's views can also be considered by the courts.

Finally, the bill requires the Agency imposing these conditions to prepare a written statement that the Agency gave equal consideration to power generating interests in issuing its 4(e) conditions. Currently, if a hydroelectric project is located on federal lands, including Indian Reservations, the only consideration the Secretary has is to impose conditions that protect those reservations. There is no consideration of other interests. This has been the law for almost ninety years.

We urge you to continue to work with Tribes and other stakeholders to improve the hydropower licensing process for all interests and not simply for the industry.

Sincerely,

BILL STERUD,
Chairman,
Puyallup Tribal Council.

SNOQUALMIE TRIBE,
June 21, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce, Washington, DC.

Hon. FRANK PALLONE, Jr.,
Ranking Member, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: On behalf of the Snoqualmie Indian Tribe, we write to express our continued concerns regarding proposed changes to the federal hydropower licensing approval process. The proposed changes would abrogate the federal government's overarching trust responsibility to Indian tribes and its ability to uphold tribal treaty rights. Our Tribe is particularly concerned that current legislative reform efforts to consolidate hydropower approval authority within the Federal Energy Regulatory Commission (FERC) unduly favor the interests of private industry at the expense of tribes, local and state governments, natural resources, and local citizens. As our trustee, we urge you to ensure that any hydropower legislation passed out of the Committee will only strengthen Tribes' ability to give input on hydropower licensing decisions at hydropower facilities.

The Snoqualmie Tribe is adamantly opposed to legislative reforms efforts that seek to undermine current mechanisms that ensure adequate consideration of the effects of a proposed hydropower project on affected Indian lands and natural resources. In particular, the proposed changes to §§4(e) and 18 of the Federal Power Act and §401 of the Clean Water Act would enable FERC to disregard mandatory conditions imposed by federal and state land management agencies. Disregarding the established expertise and mission of such agencies to evaluate and mitigate impacts to Indian lands and natural resources directly undermines the federal government's ability to fulfill its trust and treaty obligations to Indian tribes. For example, §§34 and 37 of the draft legislation would allow FERC to effectively waive conditions necessary to implement the Northwest Power Act, Endangered Species Act, or the Clean Water Act if a state, tribe, or federal agency cannot meet a FERC deadline. Additionally, the proposed schedule of 120 days to complete all ''federal authorizations'' is unworkable in practice and will inevitably lead to such waivers.

It is imperative that any legislative reforms to the hydropower permitting process adequately consider and mitigate the impacts to Indian lands, Tribal sacred sites, and natural resources. Historically, American Indian tribes have experienced disproportionate negative effects when dams, including hydroelectric projects, were approved without adequate tribal consultation or consideration of the effects on surrounding natural resources. For example, in the past, hydropower dams have flooded Indian reservations resulting in the permanent loss or damage to Tribal lands and sacred sites.

Given the Snoqualmie Tribe is a signatory to the Treaty of Point Elliot of 1855, the federal government has an enforceable fiduciary obligation to act as trustee on the Tribe's behalf. Of critical significance to our people is Snoqualmie Falls, a 268-foot waterfall that is the place of our creation history and our most sacred site. The Falls are an essential part of our cultural and religious practices where we pray, conduct sacred ceremonies, and traditionally buried our dead. Our Tribe is all too familiar with the negative impacts of inadequately planned hydroelectric dams on our culture, lands, and very way of life. For more than 100 years, Snoqualmie Falls has been hampered by the diversion of its water for a hydroelectric dam that significantly reduces the strong flow of water and the mists coming from the Falls. Without these, our religious practices are severely limited and we cannot fully engage in our cultural heritage.

The current draft hydropower reform legislation does not appropriately balance various stakeholders' interests and, instead, prioritizes private industry interests above the federal governments' responsibility as trustee to Tribes. Accordingly, we urge the Committee to ensure that legislation passed out of the Committee strengthens Tribes' ability to give input on hydropower decisions.

Thank you for your consideration on this very important religious and cultural issue to our Tribe. We look forward to working with the Committee to ensure any hydropower reform efforts are suitably tailored to uphold the federal government's trust responsibility to Indian peoples and protect tribal treaty rights.

Sincerely,

SNOQUALMIE TRIBAL COUNCIL.

SKOKOMISH INDIAN TRIBE,
Skokomish Nation, WA, June 21, 2017.

Re Proposed Amendments to the Federal Power Act.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

Hon. FRANK PALLONE, Jr.,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN UPTON AND RANKING MEMBER PALLONE: I write to again express the Skokomish Tribe's strong objections to the amendments to the Federal Power Act that are now being considered by the House Energy and Commerce Committee.

If this bill is enacted as approved by the Committee, it would represent one of the most significant roll backs of the federal trust responsibility since termination. For more than ninety years the Federal Power Act directed Interior and other land management agencies to impose conditions on hydroelectric projects to protect federal lands including federal Indian Reservations and Treaty protected resources. However, in the first forty years, the federal land management agencies largely ignored this responsibility. As a consequence of this abdication to the Skokomish Tribe, our Reservation and our resources paid a very high price.

Our story is but one of many across Indian country. In the 1920s Tacoma City and Light received a license for the Cushman Dam on the North Fork of the Skokomish River. The entire flow of the North Fork of the Skokomish River was diverted from its channel and sent to a power house on Hood Canal (a bay of the Puget Sound). The dewatering of the North Fork completely destroyed a premier salmon run, with grievous economic and cultural consequences for the Tribe. See generally, City of Tacoma v. FERC, 460 F.3d 53, 62 (D.C. Cir. 2006); Skokomish Indian Tribe v. United States, 410 F.3d 506, 509–510 (9th Cir. 2005) (en banc revised). In terms of direct impact on the Skokomish Reservation itself, the dewatering of the North Fork resulted in an approximately 40% reduction in the flow of the Skokomish River mainstem. This change in the hydrology of the Skokomish River caused one-third of the Reservation to be flooded. Skokomish v. United States, 410 F.3d at 509–510, see also id. at 521 (dissenting opinion of Judge Graber). In short, this project almost completely destroyed the Reservation and the fishery for which the Reservation was established.

The original Cushman Dam license expired in 1974 and the Skokomish Tribe spent significant time, energy and resources to ensure that the United States would not once again abdicate its responsibility to the Tribe and sought conditions on the new license that would protect the Skokomish Reservation. At every turn Tacoma and the hydropower industry fought the Tribe. However, in 2006, the Skokomish Tribe won the right for the Department of the Interior to exercise its Federal Power Act 4(e) conditioning authority to protect the Reservation and the Tribe. City of Tacoma, Washington v. F.E.R.C., 460 F.3d 53, 59 (D.C. Cir. 2006) (''Cushman'')

As a result of this decision, the Cushman project is now being operated in a manner meant to reverse the more than 80 years of damage to the Skokomish Reservation. These changes are slow but, over time, there will be improvements to the flow of the mainstem and flooding will lessen. Reservation lands that are waterlogged and useless will be restored and productive for the Tribe and our members again.

The bill now before the Committee would essentially reverse the decision that my Tribe fought so hard for, and will let FERC set the timeline for 4(e) mandatory conditions and other conditions, including Section 18 (fishways) and Clean Water Act Permits. The bill goes on to require the agency to imposing these conditions to give equal weight to power generating interests. Again, this would significantly undermine the federal trust responsibility to my tribe and others. If a hydroelectric project is located on Tribal lands, then the only consideration the Secretary has is to impose conditions that protect that Reservation. There is no balance of other interests. This has been the law for almost ninety years. The Tribe is at a loss for why Congress would want to change this now.

Furthermore, the bill before the Committee seeks to have FERC, an agency with no experience or capacity, the responsibility for determining the scope of environmental review that Interior, Commerce, States and even Tribes should take.

A change to the Federal Power Act is not needed. First, sections 4(e), 18 and the other related provisions of the Federal Power Act, establish proper checks and balances in the licensing process. While FERC is examining a broad range of issues in connection with the license application or renewal, the Interior Secretary can bring to bear Interior's knowledge and expertise regarding the needs of Indian country, the potential impact of the project on the Indian reservation, and address measures to ensure the proper protection of that reservation. Other sections of the Act likewise establish appropriate checks and balances by recognizing and giving effect to the responsibilities and expertise that such other agencies have on natural resource management—such as that provided by Interior's Fish & Wildlife Service and the Department of Commerce on fisheries and fish passage facilities as well as the vital and longstanding authority exercised by States and Tribes in setting water quality standards under the Clean Water Act. While hydropower is clean energy, it is clean only because of the important role that these other agencies, with the necessary expertise, have in addressing terms and conditions for hydropower licenses. FERC does not have the technical capacity to make these decisions.

The current process affords the hydropower industry ample opportunity to consider and respond to potential Section 4(e), 18 and Clean Water Act conditions. Hydropower licenses can (and in fact do) actively participate in the process by which these conditions are deliberated and set. And while these conditions are not subject to modification by FERC, they are subject to judicial review, and FERC is free to express its disagreement with the conditions, so that FERC's views can also be considered by the courts.

Finally, while the current process may take time to complete necessary studies and vetting of potential conditions, any delay in renewing licenses does not harm the hydropower licensees. As a general matter, until the license renewal process is completed, hydropower licenses are able to operate under their existing licenses which, in our experience, typically do not have many of the conditions needed to protect Indian reservations or natural resources.

We urge you to oppose amendments to the Federal Power Act that would undermine the federal trust responsibility to protect Indian Reservations or that would alter the Interior Secretary's authority under section 4(e), the provisions of section 18, or the Clean Water Act.

Sincerely,

CHARLES ''GUY'' MILLER.

NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION NO. MKE–17–005

TITLE: TO OPPOSE PROPOSED HYDROPOWER AMENDMENTS TO THE FEDERAL POWER ACT

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian and Alaska Native lands; and

Whereas, the conservation and preservation of tribal land and resources is a priority for all tribes and a critical component of the federal trust responsibility; and

Whereas, fish are a sacred resource for many tribes; and

Whereas, the production of electricity through hydropower dams includes impacts to water quality, waterways, wildlife, recreation, livelihoods, customary and traditional activities, and treaty resources within and outside Indian and Alaska Native lands; and

Whereas, the impacts of hydropower projects located on federal lands often extend far beyond the confines of the specific lands on which the projects are sited; and

Whereas, some members of Congress and representatives from the hydropower industry have proposed amendments to the Federal Power Act that would (a) weaken the current protections Indian tribes have through the Mandatory Conditions requirements under Section 4(e) and Section 18 of that Act, (b) roll back efforts to restore fish populations through the requirement of fishways, and (c) unnecessarily limit the available time and scientific information available to federal agencies in deciding what Mandatory Conditions should be included with a license; and

Whereas, these proposed amendments to the Federal Power Act would not improve the federal hydropower licensing process, which is an important source of protections for tribal lands and resources, but rather weaken these critical protections. Now therefore be it

Resolved, that the National Congress of American Indians (NCAI), its leadership, and its executive staff shall call on the U.S. Congress and the Administration to oppose all proposed amendments to the hydropower provisions in the Federal Power Act that would remove or lessen the protections currently afforded tribal governments, tribal lands, inherent reserved rights, treaty rights and other tribal resources under the Federal Power Act; and be it further

Resolved, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Annual Session of the National Congress of American Indians, held at the Wisconsin Center in Milwaukee, WI, Oct 15, 2017–Oct 20, 2017, with a quorum present.

JEFFERSON KEEL,
President.

Attest: Juana Majel Dixon, Recording Secretary.

Mr. RUSH. Mr. Chair, the substitute amendment that we will consider shortly provides Indian Tribes with authority to speak for themselves with respect to the hydropower licensing process.

Currently, Mr. Chair, the agencies of the Departments of the Interior and Commerce proposed conditions to protect Tribal reservations. If the substitute is enacted, Tribes that have sufficient capacity can assume responsibility for protecting their own reservations.

□ 1445

The Tribal authority provision is absolutely very important and long overdue. As sovereign entities, Tribes have a status different from that of States and Federal agencies. They should be negotiating on their own behalf to protect their own interests.

Mr. Chair, hydropower projects, a number of which were designed and built over the objections of Tribes, resulted in devastating losses of Tribal lands and fisheries.

We can and must do better. Hydropower projects can be designed, upgraded, and operated in ways that lower the environmental costs and preserve other important uses of the river.

Current law and current regulations already provide for consultation with Tribes. In fact, under the integrated license process, applicants are required to consult with Tribes 5 years before the current license expires if they plan to seek a renewed license.

The integrated license process was designed specifically for the more complex, controversial hydropower projects, either new projects or relicensing of existing projects.

Mr. Chair, many applicants, however, request and are allowed to pursue their license under the traditional license process that includes less opportunity for consultation. FERC should be denying some of these requests, but each and every one of them are granted by FERC.

When this happens, controversial projects run into predictable problems that bog down the license process. This is an administrative change that FERC could make that would require no new legislation and would improve the license process.

Mr. Chair, this bill does nothing—absolutely nothing—to speed up this problem or fix the process that we have been discussing.

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

Mr. UPTON. Mr. Chair, I yield myself such time as I may consume. I don't intend to use all the time that is remaining. I just want to make a couple of points to my colleagues as we close debate on the general debate on this bill.

This isn't a new bill. A lot of us in this body on both sides support an all-of-the-above strategy. It includes safe nuclear. It includes clean coal. It supports energy efficiencies, renewables, wind, solar, and hydro.

This bill, H.R. 3043, is not a new bill. In fact, the provisions, almost to a tee, in both the House and the Senate version last year in a bill that ultimately didn't get conferenced to President Obama, we didn't really have any disagreements on the hydro section. We came to an agreement and the House passed the bill as it relates to the hydro bill. And the Senate bill passed, as I recall it, 92–8, pretty overwhelming, pretty bipartisan. In essence, the same provisions that we have here.

I got to say that, throughout the process, we listened to the concern raised by some of the stakeholders, including States and Tribes. We made a number of significant changes to the version of the bill as compared to the version again last year that added more strength, more hurdles to go through.

The biggest change, frankly, that we made was taking the hammer away from FERC to compel agencies to stick to a deadline. Consequently, no permits are going to be granted by default because of a missed deadline. But we also inserted new State and Tribal consultation requirements with a very strong savings clause that clarifies that nothing shall affect the Clean Water Act and other environmental laws. That wasn't in the bill last year. That is new this year.

So I think that we have accommodated the concerns, particularly when many of the Members that are here in this Congress that were there last Congress actually voted for the provisions we had, certainly in committee as well as on the Senate floor.

Again, I just want to read into the RECORD page 17, line 23: ''No Effect on Other Laws. Nothing in this section shall be construed to affect any requirement of the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act of 1973, section 14 of the Act of March 3, 1899 (commonly known as the Rivers and Harbors Appropriations Act of 1899), and those provisions of subtitle III of title 54, United States Code, commonly known as the National Historic Preservation Act, with respect to an application for a license under this part.''

This bill is stronger than the one that most of us supported last year, particularly as it pertains to hydroelectric licensing by FERC.

So I commend the action of Mrs. MCMORRIS RODGERS, who, again, carried the water on this in this Congress. I would like to think that we will have a positive vote with Republicans and Democrats supporting the bill. We are prepared to now discuss and debate the amendments.

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

Mr. COLE. Mr. Chair, I rise today in opposition to H.R. 3043, the Hydropower Policy Modernization Act of 2017. However, I would like to point out the positive outcomes this bill would provide to the Hydropower industry. This bill would improve the administrative efficiency, accountability and transparency in the process of expanding hydropower generation. It would bring certainty and timeliness to the licensing process, that right now takes decades to move through. This bill would require other federal agencies to submit earlier any foreseeable issues that would prolong the licensing process, instead of waiting until the last hour as they are able to today.

With that said, H.R. 3043 falls short in its treatment of tribal communities. I believe the proponents of this bill have worked in the best interest of Indian Country, but have unfortunately fallen short. First, this bill would overturn the D.C. Circuit Court of Appeals decision in Tacoma v. Federal Energy Regulatory Commission (FERC) that held that the Department of the Interior has the mandatory authority to develop appropriate conditions to protect federal Indian reservations under the Federal Power Act. Also, that FERC has no authority to reject these conditions because the Interior Department did not meet FERC's schedule. H.R. 3043, would overturn this decision by allowing FERC to put a clock on other Federal agencies and force them to accommodate their schedule. For example, if the Interior Department misses the deadline then Tribal interests cannot be considered again until the next re-licensing opportunity at least 40 years later.

H.R. 3043 does nothing to strengthen the tribal voice in the process and truncates our trustee agencies' responsibility. This bill would allow FERC to make the determination as to the scope of environmental review for 4(e) conditions, which the Interior Department is already required to give deference to. Hydropower projects affect entire watersheds, which in turn impact Indian reservations in ways that FERC and the hydropower industry have fought to deny. However, in Tacoma v. FERC, the Court was again clear that if a project is on Indian lands, Interior alone gets to determine what conditions, and by necessity the environmental review, that are necessary to protect the Indian Reservation.

H.R. 3043 would require Interior to balance energy generating interests against the Agency's trust responsibility to protect Indian Reservations. Currently, under the Federal Power Act, Interior's only interest is developing conditions to protect federal Indian Reservations, which, frankly, should only be their interests in line with the Bureau of Indian Affairs, and not the Department of Energy.

Finally, H.R. 3043 would overturn the Supreme Court's decision in *Escondido* v. *FERC*, 466 U.S. 765 (1984) and give FERC the authority to make a determination that a 4(e) condition and fishway condition is inconsistent with the Federal Power Act. This is unprecedented change in the Federal Power Act, which will undermine the federal trustee agency's ability to protect Indian lands and resources.

There is nothing in the bill that improves the FERC relicensing in regards to tribes and, frankly, would severely undermine tribal governments and Interior Department's ability to protect tribal and trust resources.

Mr. RUSH. Mr. Chair, I include in the RECORD letters from: Vermont Agency of Natural Resources, California State Water Resources Control Board, Western Governors' Association, State of Washington Department of Ecology, Environmental Council of the States, and Association of State Wetland Managers.

STATE OF VERMONT,
AGENCY OF NATURAL RESOURCES,
Montpelier, VT, September 12, 2017.

Re Comments in Opposition to Hydropower Policy Modernization Act of 2017, H.R. 3043.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: The Vermont Agency of Natural Resources (VTANR) would like to express strong concerns over the proposed Hydropower Policy Modernization Act of 2017, H.R. 3043. While VTANR supports efforts to improve and streamline current hydroelectric licensing processes, the Agency strongly opposes legislative efforts to diminish States' ability to protect water quality. Several provisions of H.R. 3043 would essential curtail the State authority under Section 401 of the

federal Clean Water Act, effectively constraining State agencies' ability to use their independent authority to set license conditions, making it more difficult to protect natural resources.

VTANR strenuously opposes provisions of H.R. 3043 that eliminate or reduce States' delegated authority under Section 401 of the federal Clean Water Act to develop mandatory licensing conditions protective of natural resources. State agencies serve an essential role in the Federal Energy Regulatory Commission (FERC) licensing process for hydroelectric facilities. H.R. 3043 would designate FERC as the lead agency over federal authorizations related to applications of hydroelectric projects for a license, license amendment, or exemptions. As the lead agency, FERC would establish and control the timeline for licensing review and process for hydroelectric projects. H.R. 3043 appears to give FERC the authority to create a schedule reducing the time a State would have to get necessary scientific studies completed and reviewed to determine specific conditions needed to protect water quality, as required under Section 401 of the federal Clean Water Act. This would effectively permit FERC to license a facility before a thorough review of the environmental impacts could be completed. Vermont uses its Section 401 authority to issue water quality certifications with conditions to ensure projects are built and operated in a manner consistent with State environmental laws and protective of the environment and public health.

In addition, a provision of H.R. 3043 provides applicants with an opportunity to a trial-type hearing before a FERC Administrative Law Judge whenever there is a dispute of material fact. Under the provisions of H.R. 3043, the decision of the FERC Administrative Law Judge would be final and not subject to further administrative review. Currently, conditions included in a Section 401 water quality certification become mandatory license conditions and cannot be altered or modified by FERC. Further matters of material facts related to Section 401 water quality certifications for hydroelectric facilities are heard at the State level by courts or boards that are familiar with a State's water quality standards and other environmental laws. The allowance for the trial-type hearing before FERC could undermine the States' authority granted under Section 401, making it more challenging to protect water quality and natural resources.

Through decades of decisions, federal courts have affirmed the authority of States to impose conditions in federal licenses issued to hydroelectric projects under Section 401 of the Clean Water Act. These decisions recognize that States have the primary responsibility to ensure State water quality standards and other environmental laws are met. H.R. 3043 would undermine this authority by including a provision that would allow FERC to seek resolution between it and States at the federal level, elevating the dispute to the secretary overseeing the federal statute. In the case of the federal Clean Water Act, H.R. 3043 appears to allow FERC to negotiate with the Administrator of the Environmental Protection Agency or Secretary of Army, who are responsible for Clean Water Act on the federal level, to settle a dispute with between it and a state, effectively cutting States out of the process.

Vermont's interest in protecting natural resources is as important and relevant today as ever, particularly because a large number of hydroelectric facilities in Vermont are slated to begin the federal relicensing process over the next five years. FERC issues licenses to hydroelectric projects for a term of 30 to 50 years. As such, many of the projects scheduled for relicensing will likely need significant changes in operations to meet modern water quality standards and to restore State water resources from impacts of project operations. As drafted, H.R. 3043 would reduce VTANR delegated authority under Section 401 of the federal Clean Water Act, creating ways for project operators to circumvent state regulations during the licensing process to allow them to operate in a manner that would continue to degrade the environment and resources of the State.

VTANR recognizes the importance of hydroelectric generation in meeting renewable energy goals. We urge you to consider how the federal process can be improved without undermining the very checks and balances that have helped hydroelectric generation be viewed as a sustainable and renewable energy source.

We appreciate your consideration of these comments on H.R. 3043 and look forward to solutions that improve our energy security and infrastructure while protecting the environment.

Sincerely,

JULIA S. MOORE, P.E.,
Secretary.

CALIFORNIA STATE
WATER RESOURCES CONTROL BOARD,
Sacramento, CA, May 17, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE:

COMMENTS IN OPPOSITION TO PROVISIONS OF HOUSE OF REPRESENTATIVES DISCUSSION DRAFTS: (1) HYDROPOWER POLICY MODERNIZATION ACT OF 2017; (2) PROMOTING CLOSED-LOOP PUMPED STORAGE HYDROPOWER ACT; AND (3) PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NON-POWERED DAMS ACT

The California State Water Resources Control Board (State Water Board) would like to express its concerns with the following House of Representatives Legislative Discussion Drafts: (1) Hydropower Policy Modernization Act of 2017; (2) Promoting Closed-Loop Pumped Storage Hydropower Act; and (3) Promoting Hydropower Development at Existing Non-Powered Dams Act (collectively Hydropower Discussion Drafts). While the State Water Board supports the goals of energy infrastructure modernization, it opposes several provisions as drafted because the Hydropower Discussion Drafts would reduce or eliminate essential protections for California's natural resources.

The Hydropower Discussion Drafts would seriously impact the mandatory conditioning authority of the State Water Board under Section 401 of the Clean Water Act, as well as similar authorities of federal agencies. State and federal agencies serve an essential role in the Federal Energy Regulatory Commission's (Commission) hydropower licensing process. The Hydropower Discussion Drafts designate the Commission as the sole lead agency over federal authorizations related to an application for a license, license amendment, or exemption for a hydropower project. As the sole lead agency, the Commission would establish and control the timeline for the hydropower licensing process for all aspects of federal authorization, including Section 401 of the Clean Water Act. As such, the Commission could limit the State Water Board and federal agencies' time to complete their respective actions which could adversely impact the agencies' ability to comply with necessary state and federal laws and may negatively impact public and environmental health.

As noted in this letter, the State Water Board is particularly concerned about provisions of the Hydropower Discussion Drafts that would undermine states' authorities under Section 401 of the Clean Water Act. As former Chief Justice Rehnquist observed, there has been a ''consistent thread of purposeful and continued deference to state water law by Congress.'' (California v. U.S. (1978) 438 U.S. 645, 653.) This ''cooperative federalism'' is epitomized by Section 401 of the Clean Water Act, which authorizes states to set conditions to protect the waters of their states, and provides that review of conditions of certification is in state court, not by federal agencies. In so doing, Section 401 preserves both state authority and the integrity of state procedures and state institutions in overseeing how state agencies exercise that authority. Consistent with Congress' usual respect for state rights in this area, this structure must be preserved. The Hydropower Discussion Drafts inappropriately place limitations on state rights in this area by placing Section 401 of the Clean Water Act in the definition of Federal Authorization and under the Commission's jurisdiction.

The State Water Board recognizes the importance of hydropower as a clean energy source that helps provide grid reliability and supports the goal of promoting efficiencies in the Commission's licensing of hydropower projects. To promote such efficiencies, in 2013, the State Water Board entered into a memorandum of understanding with the Commission to coordinate pre-application procedures and schedules between the two agencies. Since implementation, the memorandum of understanding has improved coordination between the State Water Board and the Commission, and is beginning to streamline portions of the licensing process. The State Water Board acknowledges that it has a pending backlog of water quality certification applications, due in part to California's recent drought, and we are committed to acting upon these applications as expeditiously as possible. The State Water Board opposes provisions of the Hydropower Discussion Drafts because they may result in harm to California's water quality and associated beneficial uses, public lands, and fish and wildlife by removing key state and federal authorities designed to protect the environment and the public enjoyment of the environment. Specific comments and concerns are provided in Attachment A. Key provisions of the Hydropower Discussion Drafts are provided in Attachment B for ease of reference in reviewing the State Water Board's comments.

I appreciate your consideration of these comments and look forward to solutions that improve our energy security and infrastructure while protecting the environment.

Sincerely,

FELICIA MARCUS,
Chair.

WESTERN GOVERNORS' ASSOCIATION,
May 1, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.
Hon. FRANK J. PALLONE,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: Western Governors recognize the importance of renewable energy sources, including hydropower, as critical components of an all-of-the-above national energy portfolio. The West accounts for nearly 70 percent of the nation's hydroelectric power generation, and the Pacific

Northwest is the nation's largest hydropower-producing region Western Governors support improving the efficiency of existing hydropower systems and increasing the amount of electricity generated from new, retrofitted, or relicensed hydroelectric facilities.

States are vested with primary authority to manage water within their borders, and they have the authority to develop, use, control and distribute water resources within their boundaries. As expressed in section B(1)(a) of WGA Policy Resolution 2015–08, Water Resource Management in the West.

''While the Western Governors acknowledge the important role of federal laws such as the Clean Water Act, the Endangered Species Act and the Safe Drinking Water Act, nothing in any act of Congress or Executive Branch regulatory action should be construed as affecting or intending to affect states' primacy over the allocation and administration of their water resources.''

Western Governors are concerned about provisions in Section 34, ''Hydropower Licensing and Process Improvement'' of the proposed Hydropower Policy Modernization Act of 2017. Portions of the language included in the published discussion draft of this proposal are identical to language of Subtitle B, ''Hydropower Regulatory Modernization'' of the proposed North American Energy Security and Infrastructure Act of 2015 (H.R. 8).

On July 18, 2016, Governor Steve Bullock and Governor Dennis Daugaard provided correspondence (attached) to the Committee, expressing the Western Governors' concerns over the language included in Subtitle B of H.R. 8, which would have designated the Federal Energy Regulatory Commission (FERC) as lead agency fol all hydropower authorizations, approvals, and requirements mandated by federal law, including hydropower facility licenses and amendments, as well as all permits, special use authorizations, certifications, and opinions. The Governors requested that this language be removed or amended so that existing state hydropower licensing authorities are not replaced, or in any way impeded, by FERC jurisdiction.

Western Governors request that the language in Section 34 of the proposed Hydropower Policy Modernization Act of 2017 be removed or amended so that states' existing hydropower licensing authorities are in no way usurped by FERC jurisdiction. Thank you for your attention to this important matter.

Sincerely,

JAMES D. OGSBURY,
Executive Director.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,
Olympia, WA, November 3, 2017.

Re Hydropower Regulatory Modernization Act of 2017.

Hon. FRANK PALLONE, Jr.,
House of Representatives, Washington, DC.
Hon. GREG WALDEN,
House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: I am writing to express my concerns with the Hydropower Regulatory Modernization Act of 2017, H.R. 3043, which would amend the Federal Power Act to modify certain requirements. The Washington Department of Ecology (Ecology) supports the ostensible intent of this bill to gain efficiency in the licensing of hydropower projects. In addition, we support the goal of improving the certainty and timeliness of the hydropower licensing process. However, provisions in H.R. 3043 that modify the authorities of the Federal Energy Regulatory Commission (FERC) would impede or invalidate states' independent authority provided by Section 401 of the Clean Water Act (CWA §401) to establish license conditions that protect water quality.

Our residents and tribes harvest salmon from the Puget Sound up through the Columbia River, and our farmers grow hops in the Yakima River basin. They also depend on water as a source of energy to power their homes and communities, and our industries rely on abundant and consistent energy to build aircraft in Everett, power data server farms in Quincy, manufacture car bodies for electric vehicles in Moses Lake, and process apples along the Wenatchee River basin. Balancing the need for clean energy with the need for safe water supplies begins with the proper management of water as a resource, and it is one of the major focal points of this legislation.

Decades of federal court decisions interpreting CWA §401 have established the states' authority to require conditions in FERC licenses that are necessary to protect water quality. These decisions recognize and affirm the basic principle of federalism embodied in the CWA that states have a primary role and responsibility to ensure state water quality standards are met.

Ecology implements the state's Water Pollution Control Act (RCW 90.48). As the state water pollution control agency, we are responsible for implementing federal water pollution control laws and regulations, including state water quality certifications required by CWA §401 for any federal permit or license that result in a discharge to state waters. Ecology has developed durable partnerships with the hydropower industry in Washington State—the largest of any state in the nation—and has a successful record of accomplishment in expediting water quality certifications that are incorporated as FERC license conditions.

In an effort to improve H.R. 3043, my team worked for several weeks with two members of the National Hydropower Association along with staff at the Chelan County Public Utility District in Washington State. Our objective in these discussions was to maintain the intent of this legislation while also protecting states' authority provided in the CWA §401. Although the group did not reach full consensus, significant progress was made to put forth alternative language that would remove ambiguity regarding FERC and state authority. My team identified a number of changes in language that are necessary to protect independent state authority to condition and certify FERC licenses. If provided more time, and engagement directly with your committee, I am confident that all parties can reach a mutually-satisfactory policy.

Ecology appreciates Congress' effort to streamline the FERC licensing process, however, the addition of SEC. 34(b)(2) OTHER AGENCIES AND INDIAN TRIBES, would require states' water quality certification process to follow a schedule under the requirements of the FERC, rather than the schedule in CWA §401. The timelines and independent state authorities granted by CWA §401 must remain intact, as both are essential for states to issue water quality certifications. States must also retain the ability to practice a ''withdraw and reapply'' process that has proven necessary for some complex hydropower licenses. If FERC is provided authority to oversee and set a timeline different than that provided under CWA §401, it undermines states' ability to ensure effectiveness and certainty for protection of water quality.

Meanwhile, SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS (b) designates FERC as the lead agency for federal authorizations related to a license application, license amendment, or exemption for a hydropower license. H.R. 3043 SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS (d) also requires states to adhere to deadlines established by FERC, effectively reducing the amount of time a state would have to complete scientific studies necessary to determine whether water quality standards and requirements would be met in accordance with CWA §401. This will likely create pressure on states to utilize existing information (SEC 3 (b)) rather than new studies to make these determinations.

In Washington State, work thus far to provide CWA §401 certifications for licensing of hydropower facilities have been timely, responsive, efficient, and protective of the state's water quality. While additional work remains, durable partnerships and a strong track record form a solid foundation to build upon.

In summary, Ecology opposes this bill in its current form because:

FERC will have undue influence on the ability of states and tribes to obtain environmental data and information via studies that are necessary to write CWA §401 certifications to protect waters in their jurisdiction.

It would lock state and federal natural resource agencies into a no-win situation. Agencies will be forced to make regulatory decisions based on incomplete applications that lack the necessary technical information, which would put agencies at risk of missing new FERC deadlines resulting in litigation.

We believe this bill provides enough ambiguity for individuals to attempt to preempt state CWA §401 authority. The bill as written could result in legal challenges and protracted litigation on how the extension of FERC's authority conflicts with states' rights to protect water quality and quantity.

Finally, Ecology views many elements of this modernization bill as unnecessary. In July 2005, FERC restructured its process and implementing the Integrated Licensing Process (ILP) that effectively streamlined FERC's licensing process. Over the course of 12 years, Washington State has provided water quality certifications for 16 FERC issued licenses as well as 10 license amendments. The ILP has proven to be a predictable, efficient, and timely licensing process that continues to ensure adequate resource protections. This bill would eliminate the flexibility available in the current system and return to a traditional approach that is less responsive to environmental concerns and more susceptible to litigation.

We urge that the provisions of H.R. 3043 that would have the effect of curtailing state authority under CWA §401 be significantly improved or stricken from the bill.

Sincerely,

MAIA D. BELLON,
Director.

Mr. WALDEN. Mr. Chair, I rise today in support of H.R. 3043, the Hydropower Policy Modernization Act, sponsored by fellow Energy and Commerce committee member and our Conference Chair, CATHY MCMORRIS RODGERS.

Hydropower plays an integral role in generating electricity across the nation, especially back in my home state of Oregon. Hydropower generates nearly 43 percent of electricity in Oregon and this dependable baseload power has helped drive the development of everything from value-added agriculture processing to data centers, creating jobs along the Columbia River and throughout Oregon.

Nationally, hydropower is the largest source of renewable electricity generation and a recent Department of Energy report found that

U.S. hydropower could grow by almost 50 percent by the year 2050. However, as my colleagues from the Pacific Northwest and across the country know, we are not taking full advantage of this valuable resource. Unfortunately, the duration, complexity, and uncertainty of the licensing process has raised significant challenges, preventing investments that would create jobs and benefit consumers.

Thankfully, my good friend from Washington introduced this legislation to alleviate these problems and streamline the federal hydropower licensing process. The bill before us today didn't just emerge from thin air. It is the culmination of five committee hearings and markups, along with several bipartisan staff meetings with the hydropower industry and tribes that have a stake in the licensing proceedings.

We solicited feedback from all stakeholders as we crafted this legislation and made a number of changes to address the concerns raised. We added new provisions to ensure that states and tribes are consulted early in the licensing process to identify and resolve issues of concern. We also made sure that state and local governments could recoup the costs of reviewing applications and conducting studies. We even added a strong savings clause that clarifies our intent that nothing in this bill shall be construed to affect any requirement of the Clean Water Act, Endangered Species Act, and other environmental laws.

In recognition of the regular order committee process, H.R. 3043 sailed out of committee unanimously by voice vote. The supporters of this bill, especially labor and industry organizations, recognize the vital role it will play in supporting job growth, local economic development, and providing much-needed reforms to the licensing process.

H.R. 3043 seeks to modernize the permitting process by improving administrative efficiency, accountability, and transparency; requiring timely decision making; and by designating Federal Energy Regulatory Commission as the lead agency is approving permits. You may be asking yourself, 'why is this process in need of reform?' The answer is simple. As my colleague from Washington likes to point out, it can take up to 10 years or longer to license a new hydropower project of relicense an existing facility. Further underscoring the need for this legislation is the fact that by 2030, over 400 existing projects with over 18,700 megawatts of capacity will begin the relicensing process.

Mr. Chair, this emissions-free energy resource should not be bogged down in bureaucratic red tape any longer. It's past time we modernize this grossly outdated licensing process, so we can get projects to market faster and streamline those projects in need of relicensing. At the end of the day, this important legislation promotes hydropower development, creates jobs, and provides consumers across the country with continued access to clean, affordable, and reliable baseload power generation.

I include in the RECORD the Supporters of H.R. 3043:

The American Council on Renewable Energy (ACORE); (American Public Power Association (APPA); Business Council for Sustainable Energy (BCSE); Edison Electric Institute (EEI), International Brotherhood of Boilermakers (Boilermakers); International Brotherhood of Electrical Workers (IBEW); International Federation of Professional and Technical Engineers (IFPTE); Large Public Power Council (LPPC); Laborers' International Union of North America (LiUNA); National Electrical Contractors Association (NECA); National Hydropower Association (NHA); National Rural Electric Cooperative Association (NRECA); North America Building Trades Council (NABTU); United Brotherhood of Carpenters and Joiners of America (Carpenters).

Mr. RUSH. Mr. Chair, I include in the RECORD letters in opposition to H.R. 3043 from environmental, recreation, fisheries, and conservation groups from across the country along with the list of groups that have signed these letters.

ENVIRONMENTAL, FISHERIES, RECREATION, AND CONSERVATION ORGANIZATIONS IN OPPOSITION TO H.R. 3043

Alabama Rivers Alliance; Alaska Survival; All Outdoors; Alliance for the Great Lakes; Alpine Lakes Protection Society; Altamaha Riverkeeper; American Packrafting Association; American Rivers; American Whitewater; Anacostia Watershed Society; Anglers of the Au Sable; Animal Welfare Institute; Apalachicola Riverkeeper; Appalachian Mountain Club; Association of Northwest Steelheaders; Atlantic Salmon Federation; Black Warrior Riverkeeper; California Hydropower Reform Coalition; California Outdoors; California River Watch; California Sportfishing Protection Alliance; California Trout; Cascadia Wildlands; Catawba Riverkeeper; Center for Biological Diversity.

Center for Environmental Law and Policy; Central Sierra Environmental Resource Center; Clean Water Action; Coastal Conservation League; Colorado River Water keeper Network; Columbiana; Congaree Riverkeeper; Connecticut River Conservancy; Conservation Law Foundation; Conservation Northwest; Conservatives for Responsible Stewardship; Coosa Riverkeeper; Crab Apple Whitewater Defenders of Wildlife; Deschutes River Alliance; Downeast Salmon Federation; Earth Design; Earthjustice; Earthworks; Endangered Habitats League; Endangered Species Coalition; Environmental Protection Information Center (EPIC); Foothill Conservancy; Foothills Paddling Club; Foothills Water Network; Friends of Butte Creek.

Friends of Cooper Landing; Friends of Grays Harbor; Friends of Kenai National Wildlife Refuge; Friends of the Kinni; Friends of Merrymeeting Bay; Friends of the Crooked River; Friends of the Eel River; Friends of the River; Friends of the White Salmon River; Golden West Women Flyfishers; Grand Canyon Trust; Grand Riverkeeper Labrador; Great Lakes Council Fly Fishers; Green Latinos; Hells Canyon Preservation Council; High Country Conservation Advocates; Holy Spirit Missionary Sisters; Huron River Watershed Council; Hydropower Reform Coalition; Idaho Rivers United; Illinois Council of Trout Unlimited; Institute for Fisheries Resources; James River Association; Kalmiopsis Audubon Society; Kenai River Watershed Foundation.

Klamath Forest Alliance; Klamath Riverkeeper; Klamath-Siskiyou Wildlands Center; Kootenai Environmental Alliance; League of Conservation Voters; Lower Columbia Canoe Club; Lower Susquehanna Riverkeeper Association; Maine Rivers; Michigan Environmental Council; Michigan Hydro Relicensing Coalition; Middle Susquehanna Riverkeeper; Milwaukee Riverkeeper; Mono Lake Committee; Mousam and Kennebunk Rivers Alliance; National Heritage Institute; National Park Conservation Association; National Wildlife Federation; Native Fish Society; Natural Heritage Institute; Natural Resources Defense Council; Natural Resources Council of Maine; Naturaland Trust; Nature Abounds; Naugatuck River Revivial Group.

New England FLOW; New Hampshire Rivers Council; North Cascades Conservation Council; Northwest Environmental Advocates; Northwest Guides and Anglers Association; Northwest Resources Information Center; Olympic Forest Coalition; Oregon Kayak and Canoe Club; Outdoor Alliance; Pacific Coast Federation of Fishermen's Associations; Pacific Rivers; Penobscot Paddle and Chowder Society; Planning and Conservation League; Potomac Riverkeeper; Prairie Rivers Network; Prince William Soundkeeper; Quartz Creek Homeowners' Association; Religious Coalition for the Great Lakes; River Alliance of Wisconsin; River Guardian Foundation; River Network; Riverkeeper Network.

Rogue Riverkeeper; San Juan Citizens Alliance; Save Our Saluda; Save Our Wild Salmon; Save the Colorado; Selkirk Conservation Alliance; Smith River Alliance; Snake River Waterkeeper; South Carolina Native Plant Society; Southern Environmental Law Center; South Yuba River Citizens League; Spartanburg Area Conservancy; Spearfish Canyon Society; Spokane Riverkeeper; St. Mary's River Watershed Association; Tennessee Clean Water Network; The Lands Council; The Mountaineers.

The Roanoke River Basin Association; The Sierra Club; Tributary Whitewater Tours, LLC; Trout Unlimited; Tuolumne River Trust; Upstate Forever; Washington Environmental Law Center (see Western Environmental Law Center); Washington Wild; Waterkeeper Alliance; Waterkeepers Chesapeake; WaterWatch of Oregon; WESPAC Foundation; West Michigan Hacklers; Western Environmental Law Center; Wild Earth Guardians; Wild Washington Rivers; Yadkin Riverkeeper; Zoar Valley Paddling Club.

NOVEMBER 7, 2017.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters nationwide, we are writing to urge you to oppose H.R. 3043, the Hydropower Policy Modernization Act. This bill is a devastating assault on our nation's rivers and the people and wildlife that depend upon them. Its passage would end 95 years of balance in hydropower licensing, tipping the scales against taxpayers and in favor of huge utilities.

Hydropower licenses are issued for up to 50 years. Many hydropower facilities that are coming up for relicensing now were first constructed before virtually all modern environmental laws were in place. It is during relicensing proceedings that the public gets the opportunity to ensure that dam owners make the necessary changes to comply with modern laws. The opportunity to mitigate for the damage to the environment, while still providing reliable electricity, only arises once in a generation or two.

The balance the Federal Power Act currently strikes between power and non-power values has existed for almost a century. Current law protects the public's right to enjoy its rivers, a right which can and should be compatible with responsible electricity production. However, H.R. 3043 upends that balance. Simply put, the bill is a massive giveaway to special interests at the expense of healthy rivers and the fish, wildlife, and people that depend upon them. If H.R. 3043 passes, power company profits will go to the head of the line, ahead of every other user.

We appreciate that the House Committee on Energy and Commerce heard testimony from recreational and conservation interests who raised serious concerns about its many provisions. Unfortunately, the Committee

chose to make no changes to reflect the constructive suggestions that the Hydropower Reform Coalition put forward that would improve the licensing process while maintaining environmental protections. The Committee also failed to solicit testimony from states, tribes, and federal natural resource agencies whose authorities will be usurped by the Federal Energy Regulatory Commission (FERC) if H.R. 3043 is enacted. You are now being asked to vote on a bill that no state, tribe, or conservation organization publicly supports. The bill under consideration today will only benefit power companies at the expense of every other user of a waterway.

H.R. 3043 attempts to streamline the hydropower licensing process by centralizing power and allowing FERC to set an aggressive licensing schedule that all federal and state agencies must adhere to throughout the licensing process. There are no requirements that FERC or the licensee provide the agencies with the information they deem necessary to quickly and competently exercise their Clean Water Act or Endangered Species Act authority. This creates a dynamic where, unless every step of the process proceeds seamlessly, agencies are faced with the impossible decision to either exercise their authority without necessary information (which exposes them to legal liability) or to fail to meet the schedule. This change will constrain federal, state, and tribal agencies use of their independent authorities and rush decision making, potentially making it more difficult to protect water quality, recover threatened and endangered species, and manage tribal-trust resources and public lands.

Other provisions of H.R. 3043, such as the changes to the Trial Type Hearing process for alternative conditions, the requirement that federal natural resource agencies conduct costly, wasteful and time consuming review of matters outside of their scope of expertise and jurisdiction, and the requirement that scientific decisions be made only by political appointees in Washington, DC are all examples of how H.R. 3043 tilts the balance toward the interests of power companies.

In order to protect clean water, irrigation, meeting tribal treaty and trust obligations, wildlife, recreational fishing, commercial fishing, whitewater boating, water quality, municipal water supply, fire safety, flood control, or any other purpose other than generating power, we urge you to vote NO on H.R. 3043.

Sincerely,

Alabama Rivers Alliance; American Packrafting Association; American Rivers; American Whitewater; Apalachicola Riverkeeper; Appalachian Mountain Club; Atlantic Salmon Federation; California Outdoors; California Sportfishing Protection Alliance; Cascadia Wildlands; Center for Biological Diversity; Center for Environmental Law and Policy; Columbia Bioregional Education Project; Connecticut River Conservancy; Conservatives for Responsible Stewardship; Defenders of Wildlife; Deschutes River Alliance; Downeast Salmon Federation; Earthjustice.

Earthworks; Endangered Habitats League; Endangered Species Coalition; Environmental Protection Information Center (EPIC); Foothill Conservancy; Friends of Butte Creek; Friends of the Kinni; Friends of the River; Golden West Women Flyfishers; Grand Riverkeeper Labrador; Green Latinos; High Country Conservation Advocates; Idaho Rivers United; Illinois Council of Trout Unlimited; Klamath Forest Alliance; Kootenai Environmental Alliance; League of Conservation Voters; Lower Columbia Canoe Club; Maine Rivers; Michigan Environmental Council.

Michigan Hydro Relicensing Coalition; Mono Lake Committee; Mousam and Kennebunk Rivers Alliance; National Heritage Institute; National Park Conservation Association; National Wildlife Federation; Native Fish Society; Natural Heritage Institute; Natural Resources Defense Council; Naturaland Trust; North Cascades Conservation Council; Northwest Environmental Advocates; Northwest Resource Information Center; Oregon Kayak and Canoe Club; Oregon Natural Desert Association; Pacific Coast Federation of Fishermen's Associations; Pacific Rivers; Penobscot Paddle and Chowder Society; Planning and Conservation League.

Prarie Rivers Network; River Network; Riverkeeper Network; Rogue Riverkeeper; Save Our Wild Salmon; Save the Colorado; Selkirk Conservation Alliance; Southern Environmental Law Center; St. Mary's River Watershed Association; The Lands Council; The Mountaineers; The Sierra Club; Tributary Whitewater Tours, LLC; Tuolumne River Trust; Upstate Forever; Washington Environmental Law Center (see Western Environmental Law Center); Washington Wild; WaterWatch of Oregon; Wild Earth Guardians; Wild Earth Guardians; Wild Washington Rivers.

NATIONAL WILDLIFE FEDERATION,
NATIONAL ADVOCACY CENTER,
Washington, DC, November 7, 2017.

DEAR REPRESENTATIVE: The National Wildlife Federation, with over 6 million members and supporters and its affiliate organizations from 51 states and territories across the country, represents a broad diversity of political views, mirroring the nation. Regardless of party affiliation, these members want their families to be safe, their water to be clean, and ecosystems to be healthy in order to support our nation's wildlife. It is important, then, that any large-scale energy project, including hydroelectric, uphold those values as well. While NWF believes that the United States should pursue a renewable energy future, the country should do so while seeking to minimize harm to local ecosystems and wildlife and gather input from those near hydroelectric facility sites. This is especially important as hydropower is not without environmental impacts, including greenhouse gases released from reservoirs associated with dams. In order to weigh all impacts as well as the benefits, proper review processes should be followed and corners cannot be cut. Because of these long-held standards, NWF opposes H.R. 3043, the Hydropower Policy Modernization Act of 2017.

The National Wildlife Federation has long supported robust environmental review processes. Federal and state governments should approach projects with a genuine interest in determining negative effects on the environment, wildlife, and local communities. H.R. 3043 includes provisions that place arbitrary deadlines on project reviews, even when it is clear that a proper study will take longer. Unfortunately, this bill would remove our experts in natural resources from the review process and usurp states' rights to enforce their own standards for hydropower projects. Additionally, considerations of energy supply would be required alongside protections for endangered species, fisheries, and cultural sites, contradicting existing laws. If passed into law, H.R. 3043 would likely create confusion and litigation. We have seen in the past how large-scale hydroelectric projects have not always considered potential negative effects. We should learn from our past mistakes, not repeat them.

While there was a hearing on this bill, only the Federal Energy Regulatory Commission testified, leaving out important voices. Among those voices left out were tribal leaders, states, and local officials who will be required to abide by these new rules. Not only does this legislation limit input from those near proposed hydroelectric projects, but it also does so for those who live near existing dams seeking a permit renewal. This legislation would constrict the review processes for dams approaching their 50–year review mark. It is important to make sure that these projects, which were built before our current rules were put in place, remain up to the standards we set for human safety and minimal impact to the environment, economically important fisheries, and recreation sites.

In short, while this bill and its proponents claim to help our nation move toward a more sustainable and climate-friendly future, we need a system in place that can consider our energy needs in addition to the economic, environmental and cultural needs of our communities. Since climate change is the most significant challenge of our time, we urge the committee and supporters of this legislation to have a transparent and robust discussion, not only of our energy needs but also of potential impacts from hydropower such as wildlife and greenhouse gases. For all of these reasons, National Wildlife Federation recommends you oppose H.R. 3043.

Sincerely,

JIM LYON,
Vice President for Conservation Policy,
National Wildlife Federation.

OUTDOOR ALLIANCE,
November 6, 2017.

Re H.R. 3043, Hydropower Policy Modernization Act.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: We are writing to ask you to oppose H.R. 3043, the Hydropower Policy Modernization Act. If enacted, this bill would have significant negative impacts on outdoor recreation and its associated local economic benefits and would remove opportunities for meaningful local public involvement in hydropower licensing.

Outdoor Alliance is a coalition of nine member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, and Colorado Mountain Club and represents the interests of the millions of Americans who climb, paddle, mountain bike, and backcountry ski and snowshoe on our nation's public lands, waters, and snowscapes.

Our members directly participate in licensing processes for hydropower projects in partnership with state and federal resource agencies. The authorities granted to federal agencies under the Federal Power Act, Clean Water Act, and Endangered Species Act have helped ensure that hydropower operations balance our society's need for power with the benefits of flowing rivers. These benefits include important economic contributions generated through the outdoor recreation economy, and outdoor recreation may be one benefit of hydropower under certain circumstances.

Outdoor recreation powers a vast economic engine valued at $887 billion annually with much of this activity focused around water-based recreation, including rivers affected by

hydropower operations. The National Hydropower Association's own website, which promotes the benefits of hydropower, states that ''Swimming, boating, fishing, camping, skiing and hiking are just some of the recreational activities that take place year-round and across the country at sites developed and supported by the hydropower industry.''

We are concerned that H.R. 3043 will severely limit the ability of local communities to advocate for recreational benefits in hydropower licensing. If passed, H.R. 3043 will shift responsibilities away from states, federal land managers with locally-based recreation staff, and affected communities, and instead place exclusive authority within the hands of the Federal Energy Regulatory Commission (FERC). FERC is a regulatory agency with no local field staff, frequently with only the ability to participate in one or two site visits in all. As a result, FERC staff are unlikely to have experience and familiarity with local resources and values. The end result of H.R. 3043 would be outcomes that are detrimental to outdoor recreation and local communities.

While hydropower provides certain benefits, it also always comes with significant impacts. This legislation would upset an important balance and the cooperative approach to hydropower licensing that effectively ensures that the interests of local communities and their interests in outdoor recreation are represented. Outdoor Alliance finds the hydropower provisions of H.R. 3043 to be deeply problematic, and we oppose any effort to diminish the ability of citizens and public resource agencies to ensure that hydropower licenses include provisions to protect the public river resources that are important to them.

Best regards,

LOUIS GELTMAN,
Policy Director,
Outdoor Alliance.

TROUT UNLIMITED,
November 6, 2017.

Re Trout Unlimited opposes the ''Hydropower Policy Modernization Act of 2017'' (H.R. 3043) and we urge members of the House of Representatives to vote against this legislation.

DEAR REPRESENTATIVE: H.R. 3043 is due for House floor consideration this week. We urge you to reject the bill and instead to develop a bill worthy of broad stakeholder support.

Hydropower is an essential component of our nation's energy mix. Hydropower produces energy with low hydrocarbon emissions, but can and does cause massive impacts to watershed health and fisheries habitats. Striking a balance between power and nonpower values, such as fisheries habitat, is essential.

To that end, the Federal Power Act assigns oversight and conditioning roles for the natural resource agencies to ensure adequate protections or conditions related to project effects on underlying lands, waters and related resources. These authorities, in particular sections 18 and 4e of the Federal Power Act, and section 401 of the Clean Water Act, contain some of the most useful fisheries conservation provisions in state or federal statute and are critical to minimize and mitigate impacts to trout and salmon habitats, covering issues like fish passage, instream flow below the project and water quality and quantity issues.

H.R. 3043 would significantly disrupt efforts to balance power and nonpower values in the licensing process and for all the wrong reasons. If the goal of the bill is to make the licensing process more efficient and expeditious, Congress should support the funding and information needs of the resource agencies, not penalize or further constrain their participation. H.R. 3043 instead would hamstring tribes, states, and federal resource agencies from review and conditioning of FERC licensed hydropower projects by imposing overly restrictive timelines, adding new process hurdles for debating agency requirements on applicants, and greatly restricting the scope and basis on which resource agencies can require conditions or investments to protect non-power resources impacted by the project.

The harmful bill could not come at a worse time. Dozens of projects coming up for relicensing soon. Many of them haven't been reviewed since being originally licensed 30–50 years ago. It is more imperative now than ever to ensure strong review of these projects.

Instead of H.R. 3043 Congress should support smart process improvements that will benefit applicants and operators while supporting strong protections to balance nonpower values. Smart improvements would include support for incremental upgrades, promote ongoing investment and ongoing study during the life of licenses so that we aren't starting from scratch every 30 to 50 years. A smart approach would ensure that the regulatory requirements for states, tribes and federal resource agencies to permit and condition these projects is fully supported early in the process to reduce conflict and delay. H.R. 3043 misses these opportunities, focusing instead placing arbitrary constraints on environmental review and conditioning agency authorities that will result in increased conflict during licensing.

As we have said a number of times before, Congress should take adequate time to hear the views of the tribes, as well as the state and federal resource agencies about existing process hurdles and potential solutions before legislating changes to hydropower project licensing procedures and standards. Some in the industry blame delays and cost overruns on agency inaction and bad decisions, yet the committee has so far not called them to testify. If the committee wants to have a thoughtful legislative process, it needs to hear from the agencies who some claim to be the root of the problem. Although the Energy and Commerce committee and its subcommittee on Energy and Power held hearings on this bill and related hydropower legislation, those hearings did not include these constituencies. Again, we urge the committee and the House to take the time to do the deliberative process in the right way, and build broad support for bipartisan legislation.

The most balanced and efficient way to bring new hydropower online, is to ensure that the development is well-sited and appropriately mitigated from the start and to support and encourage early and often investment in evaluating and improving operations over time.

This bill fails the test of carefully balancing power and non-power values, such as trout and salmon fisheries and river restoration. Specifically, we urge the House to support and defend—and not weaken as this bill does—resource agency authorities and mandates—including the Clean Water Act, Endangered Species Act and Federal Power Act.

We urge you to vote against H.R. 3043.

Sincerely,

STEVE MOYER,
Vice President of Government Affairs.

NOVEMBER 7, 2017.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters nationwide, we are writing to urge you to oppose H.R. 3043, the Hydropower Policy Modernization Act. This bill is a devastating assault on our nation's rivers and the people and wildlife that depend upon them. Its passage would end 95 years of balance in hydropower licensing, tipping the scales against taxpayers and in favor of huge utilities.

Hydropower licenses are issued for up to 50 years. Many hydropower facilities that are coming up for relicensing now were first constructed before virtually all modern environmental laws were in place. It is during relicensing proceedings that the public gets the opportunity to ensure that dam owners make the necessary changes to comply with modern laws. The opportunity to mitigate for the damage to the environment, while still providing reliable electricity, only arises once in a generation or two.

The balance the Federal Power Act currently strikes between power and non-power values has existed for almost a century. Current law protects the public's right to enjoy its rivers, a right which can and should be compatible with responsible electricity production. However, H.R. 3043 upends that balance. Simply put, the bill is a massive giveaway to special interests at the expense of healthy rivers and the fish, wildlife, and people that depend upon them. If H.R. 3043 passes, power company profits will go to the head of the line, ahead of every other user.

We appreciate that the House Committee on Energy and Commerce heard testimony from recreational and conservation interests who raised serious concerns about its many provisions. Unfortunately, the Committee chose to make no changes to reflect the constructive suggestions that the Hydropower Reform Coalition put forward that would improve the licensing process while maintaining environmental protections. The Committee also failed to solicit testimony from states, tribes, and federal natural resource agencies whose authorities will be usurped by the Federal Energy Regulatory Commission (FERC) if H.R. 3043 is enacted. You are now being asked to vote on a bill that no state, tribe, or conservation organization publicly supports. The bill under consideration today will only benefit power companies at the expense of every other user of a waterway.

H.R. 3043 attempts to streamline the hydropower licensing process by centralizing power and allowing FERC to set an aggressive licensing schedule that all federal and state agencies must adhere to throughout the licensing process. There are no requirements that FERC or the licensee provide the agencies with the information they deem necessary to quickly and competently exercise their Clean Water Act or Endangered Species Act authority. This creates a dynamic where, unless every step of the process proceeds seamlessly, agencies are faced with the impossible decision to either exercise their authority without necessary information (which exposes them to legal liability) or to fail to meet the schedule. This change will constrain federal, state, and tribal agencies use of their independent authorities and rush decision making, potentially making it more difficult to protect water quality, recover threatened and endangered species, and manage tribal-trust resources and public lands.

Other provisions of H.R. 3043, such as the changes to the Trial Type Hearing process for alternative conditions, the requirement that federal natural resource agencies conduct costly, wasteful and time consuming review of matters outside of their scope of expertise and jurisdiction, and the requirement that scientific decisions be made only by political appointees in Washington, DC are all examples of how H.R. 3043 tilts the balance toward the interests of power companies.

In order to protect clean water, irrigation, meeting tribal treaty and trust obligations, wildlife, recreational fishing, commercial

fishing, whitewater boating, water quality, municipal water supply, fire safety, flood control, or any other purpose other than generating power, we urge you to vote NO on H.R. 3043.

Sincerely,

American Packrafting Association; American Rivers; American Whitewater; Apalachicola Riverkeeper; Appalachian Mountain Club; Atlantic Salmon Federation; California Outdoors; California Sportfishing Protection Alliance; Center for Biological Diversity; Center for Environmental Law and Policy; Connecticut River Conservancy; Conservatives for Responsible Stewardship; Downeast Salmon Federation; Earthjustice; Earthworks; Endangered Habitats League; Endangered Species Coalition; Environmental Protection Information Center (EPIC); Foothill Conservancy; Friends of Butte Creek.

Golden West Women Flyfishers; Grand Riverkeeper Labrador; Green Latinos; High Country Conservation Advocates; Idaho Rivers United; Illinois Council of Trout Unlimited; Klamath Forest Alliance; Kootenai Environmental Alliance; League of Conservation Voters; Lower Columbia Canoe Club; Maine Rivers; Michigan Environmental Council; Michigan Hydro Relicensing Coalition; Mono Lake Committee; Mousam and Kennebunk Rivers Alliance; National Heritage Institute; National Park Conservation Association; National Wildlife Federation; Natural Resources Defense Council; Naturaland Trust.

North Cascades Conservation Council; Northwest Environmental Advocates; Oregon Kayak and Canoe Club; Pacific Coast Federation of Fishermen's Associations; Penobscot Paddle and Chowder Society; Planning and Conservation League; Prairie Rivers Network; River Alliance of Wisconsin; River Network; Riverkeeper Network; Rogue Riverkeeper; Save Our Wild Salmon; Save the Colorado; Selkirk Conservation Alliance; Southern Environmental Law Center; St. Mary's River Watershed Association; The Lands Council; The Sierra Club; Tributary Whitewater Tours, LLC; Tuolumne River Trust; Upstate Forever; Washington Environmental Law Center (see Western Environmental Law Center); Washington Wild; WaterWatch of Oregon; Wild Washington Rivers.

The Acting CHAIR. All time for general debate has expired.

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

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3043

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydropower Policy Modernization Act of 2017''.

SEC. 2. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential source of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking ''the following amounts'' and all that follows through paragraph (3) and inserting ''not less than 15 percent in fiscal year 2017 and each fiscal year thereafter shall be renewable energy.'' ; and

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

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, or municipal solid waste, or from a hydropower project.''.

(c) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) in subsection (a), by striking ''three'' and inserting ''4''; and

(2) by amending subsection (b) to read as follows:

''(b) The Commission may—

''(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years permitted by subsection (a) if the Commission finds that the permittee has carried out activities under such permit in good faith and with reasonable diligence; and

''(2) if the period of a preliminary permit is extended under paragraph (1), extend the period of such preliminary permit once for not more than 4 additional years beyond the extension period granted under paragraph (1), if the Commission determines that there are extraordinary circumstances that warrant such additional extension.''.

(d) TIME LIMIT FOR CONSTRUCTION OF PROJECT WORKS.—Section 13 of the Federal Power Act (16 U.S.C. 806) is amended in the second sentence by striking ''once but not longer than two additional years'' and inserting ''for not more than 8 additional years,''.

(e) LICENSE TERM.—Section 15(e) of the Federal Power Act (16 U.S.C. 808(e)) is amended—

(1) by striking ''(e) Except'' and inserting the following:

''(e) LICENSE TERM ON RELICENSING.—

''(1) IN GENERAL.—Except''; and

(2) by adding at the end the following:

''(2) CONSIDERATION.—In determining the term of a license under paragraph (1), the Commission shall consider, among other things, project-related investments to be made by the licensee under a new license issued under this section, as well as project-related investments made by a licencee over the term of the existing license (including any terms under annual licenses). In considering such investments, the Commission shall give the same weight to—

''(A) investments to be made by the licensee to implement a new license issued under this section, including—

''(i) investments in redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation, and safety improvements; and

''(ii) investments in environmental, recreation, and other protection, mitigation, or enhancement measures that will be required or authorized by the license; and

''(B) investments made by the licensee over the term of the existing license (including any terms under annual licenses), beyond those required by the existing license when issued, that—

''(i) resulted in, during the term of the existing license—

''(I) redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation, or safety improvements; or

''(II) environmental, recreation, or other protection, mitigation, or enhancement measures; and

''(ii) did not result in the extension of the term of the existing license by the Commission.''.

(f) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Section 33 of the Federal Power Act (16 U.S.C. 823d) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''deems'' and inserting ''determines'';

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''determined to be necessary'' before ''by the Secretary'';

(C) by striking paragraph (4); and

(D) by striking paragraph (5);

(2) in subsection (b)—

(A) by striking paragraph (4); and

(B) by striking paragraph (5); and

(3) by adding at the end the following:

''(c) FURTHER CONDITIONS.—This section applies to any further conditions or prescriptions proposed or imposed pursuant to section 4(e), 6, or 18.''.

SEC. 3. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

(a) HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.—Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

''(a) DEFINITION.—In this section, the term 'Federal authorization'—

''(1) means any authorization required under Federal law with respect to an application for a license under this part; and

''(2) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law to approve or implement the license under this part.

''(b) DESIGNATION AS LEAD AGENCY.—

''(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) OTHER AGENCIES AND INDIAN TRIBES.—

''(A) IN GENERAL.—Each Federal, State, and local government agency and Indian tribe considering an aspect of an application for Federal authorization shall coordinate with the Commission and comply with the deadline established in the schedule developed for the license under this part in accordance with the rule issued by the Commission under subsection (c).

''(B) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by the applicant for a license under this part, any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for a Federal authorization.

''(C) NOTIFICATION.—

''(i) IN GENERAL.—The Commission shall notify any agency and Indian tribe identified under subparagraph (B) of the opportunity to participate in the process of reviewing an aspect of an application for a Federal authorization.

''(ii) DEADLINE.—Each agency and Indian tribe receiving a notice under clause (i) shall submit a response acknowledging receipt of the notice to the Commission within 30 days of receipt of such notice and request.

''(D) ISSUE IDENTIFICATION AND RESOLUTION.—

''(i) IDENTIFICATION OF ISSUES.—Federal, State, and local government agencies and Indian tribes that may consider an aspect of an application for Federal authorization shall identify, as early as possible, and share with the Commission and the applicant, any issues of concern identified during the pendency of the Commission's action under this part relating to any Federal authorization that may delay or prevent the granting of such authorization, including any issues that may prevent the agency

or Indian tribe from meeting the schedule established for the license under this part in accordance with the rule issued by the Commission under subsection (c).

''(ii) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under clause (i) to the heads of the relevant State and Federal agencies (including, in the case of an issue of concern identified by a State or local government agency or Indian tribe, the Federal agency overseeing the delegated authority, or the Secretary of the Interior with regard to an issue of concern identified by an Indian tribe, as applicable) for resolution. If the Commission forwards an issue of concern to the head of a relevant agency, the Commission and the relevant agency shall enter into a memorandum of understanding to facilitate interagency coordination and resolution of such issues of concern, as appropriate.

''(c) SCHEDULE.—

''(1) COMMISSION RULEMAKING TO ESTABLISH PROCESS TO SET SCHEDULE.—Not later than 180 days after the date of enactment of this section the Commission shall, in consultation with the appropriate Federal agencies, issue a rule, after providing for notice and public comment, establishing a process for setting a schedule following the filing of an application under this part for a license for the review and disposition of each Federal authorization.

''(2) ELEMENTS OF SCHEDULING RULE.—In issuing a rule under this subsection, the Commission shall ensure that the schedule for each Federal authorization—

''(A) includes deadlines for actions by—

''(i) any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the Federal authorization;

''(ii) the applicant;

''(iii) the Commission; and

''(iv) other participants in any applicable proceeding;

''(B) is developed in consultation with the applicant and any agency and Indian tribe that submits a response under subsection (b)(2)(C)(ii);

''(C) provides an opportunity for any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the applicable Federal authorization to identify and resolve issues of concern, as provided in subsection (b)(2)(D);

''(D) complies with applicable schedules established under Federal and State law;

''(E) ensures expeditious completion of all proceedings required under Federal and State law, to the extent practicable; and

''(F) facilitates completion of Federal and State agency studies, reviews, and any other procedures required prior to, or concurrent with, the preparation of the Commission's environmental document required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(d) TRANSMISSION OF FINAL SCHEDULE.—

''(1) IN GENERAL.—For each application for a license under this part, the Commission shall establish a schedule in accordance with the rule issued by the Commission under subsection (c). The Commission shall publicly notice and transmit the final schedule to the applicant and each agency and Indian tribe identified under subsection (b)(2)(B).

''(2) RESPONSE.—Each agency and Indian tribe receiving a schedule under this subsection shall acknowledge receipt of such schedule in writing to the Commission within 30 days.

''(e) ADHERENCE TO SCHEDULE.—All applicants, other licensing participants, and agencies and Indian tribes considering an aspect of an application for a Federal authorization shall meet the deadlines set forth in the schedule established pursuant to subsection (d)(1).

''(f) APPLICATION PROCESSING.—The Commission, Federal, State, and local government agencies, and Indian tribes may allow an applicant seeking a Federal authorization to fund a third-party contractor selected by such an agency or tribe to assist in reviewing the application. All costs of an agency or tribe incurred pursuant to direct funding by the applicant, including all costs associated with the third party contractor, shall not be considered costs of the United States for the administration of this part under section 10(e).

''(g) COMMISSION RECOMMENDATION ON SCOPE OF ENVIRONMENTAL REVIEW.—For the purposes of coordinating Federal authorizations for each license under this part, the Commission shall consult with and make a recommendation to agencies and Indian tribes receiving a schedule under subsection (d) on the scope of the environmental review for all Federal authorizations for such license. Each Federal and State agency and Indian tribe shall give due consideration and may give deference to the Commission's recommendations, to the extent appropriate under Federal law.

''(h) EXTENSION OF DEADLINE.—

''(1) APPLICATION.—A Federal, State, or local government agency or Indian tribe that is unable to complete its disposition of a Federal authorization by the deadline set forth in the schedule established under subsection (d)(1) shall, not later than 30 days prior to such deadline, file for an extension with the Commission.

''(2) EXTENSION.—The Commission shall only grant an extension filed for under paragraph (1) if the agency or Indian tribe demonstrates, based on the record maintained under subsection (i), that complying with the schedule established under subsection (d)(1) would prevent the agency or tribe from complying with applicable Federal or State law. If the Commission grants the extension, the Commission shall set a reasonable schedule and deadline, that is not later than 90 days after the deadline set forth in the schedule established under subsection (d)(1), for the agency or tribe to complete its disposition of the Federal authorization.

''(i) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal, State, and local government agencies and Indian tribes, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State or local government agency or officer or Indian tribe acting under delegated Federal authority) with respect to any Federal authorization. Such record shall constitute the record for judicial review under section 313(b).

''(j) SUBMISSION OF LICENSE RECOMMENDATIONS, CONDITIONS, AND PRESCRIPTIONS.—

''(1) SUBMISSION OF RECOMMENDATIONS.—Any Federal or State agency that is providing recommendations with respect to a license proceeding under this part shall submit to the Commission for inclusion in the consolidated record relating to the license proceeding maintained under subsection (i)—

''(A) the recommendations;

''(B) the rationale for the recommendations; and

''(C) any supporting materials relating to the recommendations.

''(2) WRITTEN STATEMENT.—In a case in which a Federal agency is making a determination with respect to a covered measure (as defined in section 35(a)), the head of the Federal agency shall submit to the Commission for inclusion in the consolidated record, in addition to the information required under paragraph (1), a written statement demonstrating that the Federal agency gave equal consideration to the effects of the covered measure on—

''(A) energy supply, distribution, cost, and use;

''(B) flood control;

''(C) navigation;

''(D) water supply; and

''(E) air quality and the preservation of other aspects of environmental quality.

''(3) INFORMATION FROM OTHER AGENCIES.—In preparing a written statement under paragraph (2), the head of a Federal agency may make use of information produced or made available by other agencies with relevant expertise in the factors described in subparagraphs (A) through (E) of that paragraph.

''(k) DELEGATION.—A Secretary may delegate the authority to determine a condition to be necessary under section 4(e), or to prescribe a fishway under section 18, to an officer of the applicable department based, in part, on the ability of the officer to evaluate the broad effects of such condition or prescription on—

''(1) the applicable project; and

''(2) the factors described in subparagraphs (A) through (E) of subsection (j)(2).

''(l) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to affect any requirement of the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act of 1973, section 14 of the Act of March 3, 1899 (commonly known as the Rivers and Harbors Appropriation Act of 1899), and those provisions in subtitle III of title 54, United States Code commonly known as the National Historic Preservation Act, with respect to an application for a license under this part.

"SEC. 35. TRIAL-TYPE HEARINGS.

''(a) DEFINITION OF COVERED MEASURE.—In this section, the term 'covered measure' means—

''(1) a condition determined to be necessary under section 4(e), including an alternative condition proposed under section 33(a);

''(2) fishways prescribed under section 18, including an alternative prescription proposed under section 33(b); or

''(3) any action by the Secretary to exercise reserved authority under the license to prescribe, submit, or revise any condition to a license under the first proviso of section 4(e) or fishway prescribed under section 18.

''(b) AUTHORIZATION OF TRIAL-TYPE HEARING.—An applicant for a license under this part (including an applicant for a license under section 15) and any party to a license proceeding shall be entitled to a determination on the record, after opportunity for a trial-type hearing of not more than 120 days, on any disputed issues of material fact with respect to an applicable covered measure.

''(c) DEADLINE FOR REQUEST.—A request for a trial-type hearing under this section shall be submitted not later than 60 days after the date on which, as applicable—

''(1) the Secretary determines the condition to be necessary under section 4(e) or prescribes the fishway under section 18; or

''(2) the Secretary exercises reserved authority under the license to prescribe, submit, or revise any condition to a license under the first proviso of section 4(e) or fishway prescribed under section 18, as appropriate.

''(d) NO REQUIREMENT TO EXHAUST.—By electing not to request a trial-type hearing under subsection (c), a license applicant and any other party to a license proceeding shall not be considered to have waived the right of the applicant or other party to raise any issue of fact or law in a non-trial-type proceeding, but no issue may be raised for the first time on rehearing or judicial review of the license decision of the Commission.

''(e) ADMINISTRATIVE LAW JUDGE.—

''(1) IN GENERAL.—All disputed issues of material fact raised by a party in a request for a trial-type hearing submitted under subsection (c) shall be determined in a single trial-type hearing to be conducted by an Administrative Law Judge within the Office of Administrative Law Judges and Dispute Resolution of the Commission, in accordance with the Commission rules of practice and procedure under part 385 of title 18, Code of Federal Regulations (or successor regulations), and within the timeframe established by the Commission for each license proceeding (including a proceeding for a license under section 15) under section 34(d).

''(2) REQUIREMENT.—The trial-type hearing shall include the opportunity—

''(A) to undertake discovery; and

''(B) to cross-examine witnesses, as applicable.

''(f) STAY.—The Administrative Law Judge may impose a stay of a trial-type hearing under this section for a period of not more than 120 days to facilitate settlement negotiations relating to resolving the disputed issues of material fact with respect to the covered measure.

''(g) DECISION OF THE ADMINISTRATIVE LAW JUDGE.—

''(1) CONTENTS.—The decision of the Administrative Law Judge shall contain—

''(A) findings of fact on all disputed issues of material fact;

''(B) conclusions of law necessary to make the findings of fact, including rulings on materiality and the admissibility of evidence; and

''(C) reasons for the findings and conclusions.

''(2) LIMITATION.—The decision of the Administrative Law Judge shall not contain conclusions as to whether—

''(A) any condition or prescription should be adopted, modified, or rejected; or

''(B) any alternative condition or prescription should be adopted, modified, or rejected.

''(3) FINALITY.—A decision of an Administrative Law Judge under this section with respect to a disputed issue of material fact shall not be subject to further administrative review.

''(4) SERVICE.—The Administrative Law Judge shall serve the decision on each party to the hearing and forward the complete record of the hearing to the Commission and the Secretary that proposed the original condition or prescription.

''(h) SECRETARIAL DETERMINATION.—

''(1) IN GENERAL.—Not later than 60 days after the date on which the Administrative Law Judge issues the decision under subsection (g) and in accordance with any applicable schedule established by the Commission under section 34(d), the Secretary proposing a covered measure shall file with the Commission a final determination to adopt, modify, or withdraw any condition or prescription that was the subject of a hearing under this section, based on the decision of the Administrative Law Judge.

''(2) RECORD OF DETERMINATION.—The final determination of the Secretary filed with the Commission shall identify the reasons for the decision and any considerations taken into account that were not part of, or were inconsistent with, the findings of the Administrative Law Judge and shall be included in the consolidated record maintained under section 34(i).

''(i) RESOLUTION OF MATTERS.—Notwithstanding sections 4(e) and 18, if the Commission finds that a final determination under (h)(1) of the Secretary is inconsistent with the purposes of this part or other applicable law, the Commission may enter into a memorandum of understanding with the Secretary to facilitate interagency coordination and resolve the matter.

''(j) JUDICIAL REVIEW.—The decision of the Administrative Law Judge and the record of determination of the Secretary shall be included in the record of the applicable licensing proceeding and subject to judicial review of the final licensing decision of the Commission under section 313(b).

''SEC. 36. LICENSING STUDY IMPROVEMENTS.

''(a) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall, in consultation with applicable Federal and State agencies and interested members of the public—

''(1) compile current and accepted best practices in performing studies required in such license proceedings, including methodologies and the design of studies to assess the full range of environmental impacts of a project that reflect the most recent peer-reviewed science;

''(2) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this part; and

''(3) encourage license applicants, agencies, and Indian tribes to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

''(b) USE OF STUDIES.—To the extent practicable, the Commission and other Federal, State, and local government agencies and Indian tribes considering an aspect of an application for Federal authorization (as defined in section 34) shall use studies and data based on current, accepted science in support of their actions. Any participant in a proceeding with respect to such a Federal authorization shall demonstrate that a study requested by the participant is not duplicative of current, existing studies that are applicable to the project.

''(c) INTRA-WATERSHED REVIEW.—The Commission shall establish a program to develop comprehensive plans, at the request of project applicants, on a watershed-wide scale, in consultation with the applicants, appropriate Federal agencies, and affected States, local governments, and Indian tribes, in watersheds with respect to which there are more than one application for a project. Upon such a request, the Commission, in consultation with the applicants, such Federal agencies, and affected States, local governments, and Indian tribes, may conduct or commission watershed-wide environmental studies, with the participation of at least 2 applicants. Any study conducted under this subsection shall apply only to a project with respect to which the applicants participate.

''SEC. 37. LICENSE AMENDMENT IMPROVEMENTS.

''(a) QUALIFYING PROJECT UPGRADES.—

''(1) IN GENERAL.—As provided in this section, the Commission may approve an application under this section for an amendment to a license issued under this part for a qualifying project upgrade.

''(2) APPLICATION.—A licensee filing an application for an amendment to a project license, for which the licensee is seeking approval as a qualified project upgrade under this section, shall include in such application information sufficient to demonstrate that the proposed change to the project described in the application is a qualifying project upgrade.

''(3) NOTICE AND INITIAL DETERMINATION ON QUALIFICATION.—Not later than 30 days after receipt of an application under paragraph (2), the Commission, in consultation with other Federal agencies, States, and Indian tribes the Commission determines appropriate, shall publish in the Federal Register a notice containing—

''(A) notice of the application filed under paragraph (2);

''(B) an initial determination as to whether the proposed change to the project described in the application for a license amendment is a qualifying project upgrade; and

''(C) a request for public comment on the application and the initial determination.

''(4) PUBLIC COMMENT AND CONSULTATION.—The Commission shall, for a period of 45 days beginning on the date of publication of a notice under paragraph (3)—

''(A) accept public comment regarding the application and whether the proposed license amendment is for a qualifying project upgrade; and

''(B) consult with each Federal, State, and local government agency and Indian tribe considering an aspect of an application for any authorization required under Federal law with respect to the proposed license amendment, as well as other interested agencies and Indian tribes.

''(5) FINAL DETERMINATION ON QUALIFICATION.—Not later than 15 days after the end of the public comment and consultation period under paragraph (4), the Commission shall publish in the Federal Register a final determination as to whether the proposed license amendment is for a qualifying project upgrade.

''(6) FEDERAL AUTHORIZATIONS.—In establishing the schedule for a proposed license amendment for a qualifying project upgrade, the Commission shall require final disposition of all authorizations required under Federal law with respect to an application for such license amendment, other than final action by the Commission, by not later than 120 days after the date on which the Commission publishes a final determination under paragraph (5) that the proposed license amendment is for a qualifying project upgrade.

''(7) COMMISSION ACTION.—Not later than 150 days after the date on which the Commission publishes a final determination under paragraph (5) that a proposed license amendment is for a qualifying project upgrade, the Commission shall take final action on the license amendment application.

''(8) LICENSE AMENDMENT CONDITIONS.—Any condition or prescription included in or applicable to a license amendment for a qualifying project upgrade approved under this subsection, including any condition, prescription, or other requirement of a Federal authorization, shall be limited to those that are—

''(A) necessary to protect public safety; or

''(B) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources, water supply, and water quality that are directly caused by the construction and operation of the qualifying project upgrade, as compared to the environmental baseline existing at the time the Commission approves the application for the license amendment.

''(9) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule to implement this subsection.

''(10) DEFINITIONS.—For purposes of this subsection:

''(A) QUALIFYING PROJECT UPGRADE.—The term 'qualifying project upgrade' means a change to a project licensed under this part that meets the qualifying criteria, as determined by the Commission.

''(B) QUALIFYING CRITERIA.—The term 'qualifying criteria' means, with respect to a project licensed under this part, a change to the project that—

''(i) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 or result in the destruction or adverse modification of critical habitat, as determined in consultation with the Secretary of the Interior or Secretary of Commerce, as appropriate, in accordance with section 7 of the Endangered Species Act of 1973;

''(ii) is consistent with any applicable comprehensive plan under section 10(a)(2);

''(iii) includes only changes to project lands, waters, or operations that, in the judgment of the Commission, would result in only insignificant or minimal cumulative adverse environmental effects;

''(iv) would be unlikely to adversely affect water quality or water supply; and

''(v) proposes to implement—

''(I) capacity increases, efficiency improvements, or other enhancements to hydropower generation at the licensed project;

''(II) environmental protection, mitigation, or enhancement measures to benefit fish and wildlife resources or other natural and cultural resources; or

''(III) improvements to public recreation at the licensed project.

''(b) AMENDMENT APPROVAL PROCESSES.—

''(1) RULE.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule establishing new standards and procedures for license amendment applications under this part. In issuing such rule, the Commission shall seek to develop

the most efficient and expedient process, consultation, and review requirements, commensurate with the scope of different categories of proposed license amendments. Such rule shall account for differences in environmental effects across a wide range of categories of license amendment applications.

''(2) CAPACITY.—In issuing a rule under this subsection, the Commission shall take into consideration that a change in generating or hydraulic capacity may indicate the potential environmental effects of a proposed license amendment but is not determinative of such effects.

''(3) PROCESS OPTIONS.—In issuing a rule under this subsection, the Commission shall take into consideration the range of process options available under the Commission's regulations for license applications and adapt such options to amendment applications, where appropriate.''.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LICENSES.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(1) by striking ''adequate protection and utilization of such reservation'' and all that follows through ''That no license affecting the navigable capacity'' and inserting ''adequate protection and utilization of such reservation: Provided further, That no license affecting the navigable capacity''; and

(2) by striking ''deem'' and inserting ''determine''.

(b) OPERATION OF NAVIGATION FACILITIES.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by striking the second, third, and fourth sentences.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 115–391. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GROTHMAN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115–391.

Mr. GROTHMAN. Mr. Chair, as the designee of my friend and colleague, Mr. POCAN, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. CONSIDERATION OF INVASIVE SPECIES.

Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after ''the Secretary of Commerce.'' the following: ''In prescribing a fishway, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall consider the threat of invasive species.''.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from Wisconsin (Mr. GROTHMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. GROTHMAN. Mr. Chair, first of all, I would like to thank the chair and ranking member for their collaborative effort to bring this bill forward.

This amendment, which is supported by colleagues on both sides of the aisle, is pretty simple. It requires Federal decisionmakers in the Department of the Interior to consider the threat of invasive species when installing fishways.

This was brought to my attention while looking at a dam on the Wisconsin River in Wisconsin. Below that dam, we had Asian carp, an invasive species, a huge fish. If that fish was able to get further north on the Wisconsin River, because of a fishway, you could wind up with this invasive species not only in the northern part of the river, but, and quite frankly, in dozens of lakes throughout northern Wisconsin.

As a matter of fact, given where that dam is, if there is even flooding, that invasive species could wind up working its way into Lake Michigan and up the Saint Lawrence Seaway. It is very important that before the Department of the Interior listens to certain environmentalists, they realize that a fishway at this dam would result in big trouble.

Because of the devastating effects invasive species can have on the environment, local fish population, and the economy, this amendment will ensure the Federal agencies take into account all consequences before installing fishways.

Mr. Chair, I include in the RECORD a letter from Alliant Energy.

ALLIANT ENERGY,
November 8, 2017.

Hon. MARK POCAN,
Member of Congress, House of Representatives, Washington, DC.

Hon. GLENN GROTHMAN,
Member of Congress, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES POCAN AND GROTHMAN: I am writing in strong support of your invasive species amendment to H.R. 3043, the Hydropower Modernization Act of 2017, which is due to be considered on the floor of the U.S. House today. Alliant Energy deeply appreciates your commitment to this pro-environment measure, and for protecting Wisconsin's watersheds.

As you know, an Alliant subsidiary, Wisconsin Power and Light, owns and operates a dam located in Prairie du Sac, Wisconsin, on the Wisconsin River. The Prairie du Sac dam, now over 100 years old, is responsible for the formation of Lake Wisconsin, which serves as an enormous recreational and wildlife resource for our state.

Over a decade ago, the U.S. Fish and Wildlife Service sought to impose a fishway requirement on the license for the dam, essentially calling for a ''fishway'' to be installed to allow for the upstream migration of native fish. Since that time, however, scientists and state officials have discovered the existence of non-native, invasive fish species (Asian carp) at the base of the dam. If a fishway were now installed, it seems clear that these invasive species would also be able to migrate—and thereby endanger native fish populations upstream, including Lake Wisconsin.

Your amendment would ensure that, in this particular case, the U.S. Fish and Wildlife Service would be required to consider the threats posed by invasive species before imposing a fishway condition on a hydroelectric license. We believe strongly that such decisions should be predicated on the most up to date information available, and your amendment will help guarantee that invasive species are not permitted to threaten the Lake Wisconsin watershed.

Again, thank you for offering your amendment. Please let me know how Alliant may assist you in ushering this much-needed provision into public law.

Sincerely,

DAVID DE LEON,
Vice President Operations—Wisconsin, Alliant Energy.

Mr. UPTON. Will the gentleman yield?

Mr. GROTHMAN. Mr. Chair, I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chair, I just want to say that this is a very good amendment. It is bipartisan. It is critical that—I know our Great Lakes Caucus, on a bipartisan basis, in both bodies, the House and Senate, have taken strong actions against the Asian carp.

This is a good amendment. We are certainly prepared to accept it, and I commend you for taking the time on the floor.

Ms. MOORE. Will the gentleman yield?

Mr. GROTHMAN. Mr. Chair, I yield to the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, I thank my colleague from the Badger State for yielding to me. I am so pleased to join him, along with Representative MARK POCAN, in support of this amendment.

It is critical, Mr. Chairman. Wisconsinites value our natural resources like no other. The Great Lakes are an immense source of regional pride as well as a great economic engine for our region, and we know that these resources are constantly under attack from a variety of threats. One particularly nefarious threat is invasive species.

My colleagues and I are all aware of the costs these species impose. These costs are something that, unfortunately, the Great Lakes region knows too well. From the sea lamprey to the zebra mussel, to the carnivorous Asian carp now advancing toward the region, we have spent hundreds of millions of dollars dealing with the damage created when these invasive and nuisance species get into the Great Lakes ecosystem; and keeping them out of the Great Lakes in the first place is the most effective strategy.

A stitch in time saves nine, so I am pleased that this is a bipartisan amendment. I want to emphasize that the amendment does not predetermine any particular outcome or decision.

There is no magic bullet, Mr. Chairman, to the problem of invasive species given that there are so many pathways for them to get into a body of water, including through ballast water, but this commonsense amendment gives us a more effective tool in that fight.

Mr. Chairman, I support this amendment, and I urge my colleagues to vote for it.

Mr. RUSH. Will the gentleman yield?

Mr. GROTHMAN. I yield to the gentleman from Illinois.

Mr. RUSH. Mr. Chair, the minority side is prepared to accept this amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BABIN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 115–391.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. EXAMINATION OF LICENSES FOR PROJECTS LOCATED IN DISASTER AREAS.

Not later than one year after the date of enactment of this Act, the Federal Energy Regulatory Commission may examine the license issued by the Commission under part I of the Federal Power Act for any project that is located in an area that was declared by the President to be a disaster area in 2017.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from Texas (Mr. BABIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BABIN. Mr. Chairman, when a disaster like Hurricane Harvey strikes, the most important job we have is to assist those in harm's way.

From the Texas National Guard to the Louisiana Cajun Navy, to countless volunteers and citizens who have volunteered and contributed their time, their money, and their prayers, we saw across southeast Texas, in the immediate aftermath of that storm, nothing less than a model to which the whole Nation and world can aspire.

I have even compared the rescue of so many Texans by boat to the miracle at Dunkirk.

But when the storm passes, it is just as important that we look for lessons, demand accountability, and work to fix whatever went wrong or may have made this situation worse.

I am pleased to offer this amendment today that will begin to address such an issue.

When a hydropower station is licensed and regulated by FERC, it is not just the power plant that falls under Federal control. Decisions about lake levels, flood storage capacity, and other measurements of the body of water that powers that station are set forth in FERC license protocols and guidelines written and administered by folks who work right here in Washington.

□ 1500

As a former official for the Texas Lower Neches Valley River Authority, I know that these are tough decisions to make, and sometimes it is a matter of choosing between bad and worse options of where to put all of that water.

But in my district, serious concerns have been raised by my constituents and local river authorities about whether FERC's licenses for hydropower facilities need to be adjusted to account for the unprecedented flooding that we just experienced and with the ability to make commonsense changes in the face of an impending flood event.

My amendment ensures that nothing will stand in the way of FERC going in and examining the licenses for any facility located in the path of the terrible disasters that we have seen this year. By passing it with strong bipartisan support, we will make clear that that is just what FERC should do.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON) and introduce someone who is now famous in Texas, Uncle FRED UPTON, now that the Astros have won the World Series.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding. And, yes, I do have, now, extended family in Texas.

Mr. Chairman, this is another tool in the toolbox for FERC. We want to make sure that areas are protected that have survived, somehow, these terrible hurricanes.

Mr. Chairman, I urge all of my colleagues on a bipartisan basis to support this good amendment.

Mr. BABIN. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. HIGGINS), my next-door neighbor and cosponsor of this amendment.

Mr. HIGGINS of Louisiana. Mr. Chairman, I rise today in support of amendment No. 2 to the Hydropower Policy Modernization Act of 2017, offered by my friend, Representative BABIN of Texas.

My colleague's amendment, of which I am a cosponsor, is a commonsense addition to this important piece of legislation, which will allow the government to take more reasonable steps to mitigate the damages of flooding and hurricanes.

Mr. Chairman, I participated in rescue operations in Texas in the immediate wake of Hurricane Harvey. The last rescue I personally responded to was early on Friday, around 1 or 2 in the morning, less than 2 days after Harvey's landfall.

The elderly gentleman we rescued told me something I will never forget. With tears in his eyes, he said: Sir, I have lived in my home since 1968 and it never flooded. In 50 years, I have seen this much water fall, but I have never seen this much water rise.

Mr. Chairman, no one in this body batted an eye when we approved hundreds of billions of dollars in emergency appropriations relief to the victims of this year's hurricane season. It is time we as the people's House move past the reactionary era of addressing the need to repeal and rebuild after natural disasters and start focusing on proactive solutions to mitigate potential damage before natural disasters.

A proactive spirit should be fully implemented in our regulations and how we invest in infrastructure. If we had invested, over the last few decades, just a small percentage of the people's treasure that we have granted postdisaster as emergency relief appropriations into premitigation efforts, such as the cleaning and maintenance of our existing water management systems, both natural and man-made, much of the resulting damage would not have occurred and many fewer American families would have suffered.

Representative BABIN's amendment will allow a procedural tool for the FERC to review licenses for any project located in a region declared by the President to be a disaster area, which will allow us to better and more strategically manage our dams, floodgates, and reservoirs when we know storms like Hurricane Harvey are imminent.

Mr. Chairman, I thank Congressman BABIN for introducing this amendment, and I urge my colleagues on both sides of the aisle to support this commonsense solution, as well as the underlying bill.

Mr. RUSH. Will the gentleman yield?

Mr. BABIN. I yield to the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, the minority is prepared to accept this amendment.

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

The Acting CHAIR (Mr. ESTES of Kansas). The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. JENKINS OF WEST VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 115–391.

Mr. JENKINS of West Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. STUDIES FOR NON-FEDERAL HYDROPOWER.

Notwithstanding any other provision of law, if the Federal Energy Regulatory Commission has in place a memorandum of understanding with another Federal agency for non-federal hydropower with respect to a project licensed under part I of the Federal Power Act (regardless of explicit Congressional authorization for such non-federal hydropower), the other Federal agency may fully study and review the potential expansion of such non-federal hydropower at the project, including a review of seasonal pool levels and slowing flood releases.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from West Virginia (Mr. JENKINS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. JENKINS of West Virginia. Mr. Chairman, my amendment is very straightforward. It supports the mission of the underlying bill to responsibly increase opportunities for hydropower across the Nation.

My amendment authorizes agencies with an existing memorandum of understanding with FERC to study the expansion of hydropower. The need for this arises from a project in my district in Summersville, West Virginia. There is what is called a run-of-the-river hydroelectric project in Summersville. There is an MOU between the town—the city of Summersville—FERC, and the Army Corps of Engineers.

The Summersville hydro project was actually licensed by FERC in 1992 and constructed in 2001, with the cooperation of the Army Corps of Engineers. It provides enough renewable energy to power 22,000 homes. It might be possible to increase hydropower by adjusting the seasonable pool levels and managing the releases. Even if this is only for just a few days, it could result in a 15 percent increase in power generation for the surrounding community.

Unfortunately, I have heard that even to conduct a study requires explicit authorization from Congress. So that is what we are doing here today with this amendment. This amendment would provide that authority, and only in limited cases where there is an existing MOU on the books between the agencies and FERC.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I thank my friend from West Virginia for yielding.

Mr. Chairman, this is an amendment that allows for a study of the potential to expand non-Federal hydropower projects in Federal dams. It is a good amendment. I support it, and I urge my colleagues to support it on a bipartisan basis.

Mr. RUSH. Will the gentleman yield?

Mr. JENKINS of West Virginia. I yield to the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, the minority is prepared to support this amendment.

Mr. JENKINS of West Virginia. Mr. Chairman, I thank the minority very much for their support on this and, again, to the chair, for his leadership on this effort.

Mr. Chairman, let me close by thanking specifically a couple of individuals:

Jim Price, who has been integrally related and involved with this project from its inception, and I appreciate his leadership so much.

Enel Green Power North America, the operator and developer on this project. I thank them for their efforts.

Also, the mayor of the city of Summersville, Robert Shafer. I thank Bob Shafer for his incredible support and leadership in the city of Summersville.

Mr. Chairman, I encourage support for this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. JENKINS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 115–391.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydropower Policy Modernization Act of 2017''.

SEC. 2. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential source of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by amending paragraphs (1) through (3) to read as follows:

''(1) Not less than 17 percent in fiscal years 2017 through 2019.

''(2) Not less than 20 percent in fiscal years 2020 through 2024.

''(3) Not less than 25 percent in fiscal year 2025 and each fiscal year thereafter.''; and

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

''(2) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, or municipal solid waste, or from a hydropower project.''.

(c) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) in subsection (a), by striking ''three'' and inserting ''4''; and

(2) by amending subsection (b) to read as follows:

''(b) The Commission may—

''(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years permitted by subsection (a) if the Commission finds that the permittee has carried out activities under such permit in good faith and with reasonable diligence; and

''(2) if the period of a preliminary permit is extended under paragraph (1), extend the period of such preliminary permit once for not more than 4 additional years beyond the extension period granted under paragraph (1), if the Commission determines that there are extraordinary circumstances that warrant such additional extension.''.

(d) TIME LIMIT FOR CONSTRUCTION OF PROJECT WORKS.—Section 13 of the Federal Power Act (16 U.S.C. 806) is amended in the second sentence by striking ''once but not longer than two additional years'' and inserting ''for not more than 8 additional years,''.

(e) CONSIDERATIONS FOR RELICENSING TERMS.—Section 15(e) of the Federal Power Act (16 U.S.C. 808(e)) is amended—

(1) by striking ''(e) Except'' and inserting the following:

''(e) LICENSE TERM ON RELICENSING.—

''(1) IN GENERAL.—Except''; and

(2) by adding at the end the following:

''(2) CONSIDERATION.—In determining the term of a license under paragraph (1), the Commission shall consider project-related investments by the licensee over the term of the existing license (including any terms under annual licenses) that resulted in new development, construction, capacity, efficiency improvements, or environmental measures, but which did not result in the extension of the term of the license by the Commission.''.

SEC. 3. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

(a) HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.—Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

''(a) DEFINITION.—In this section, the term 'Federal authorization'—

''(1) means any authorization required under Federal law with respect to an application for a license under this part; and

''(2) includes any conditions, prescriptions, permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law to approve or implement the license under this part.

''(b) DESIGNATION AS LEAD AGENCY.—The Commission shall act as the lead agency for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license under this part.

''(c) RULEMAKING TO ESTABLISH PROCESS TO SET SCHEDULE.—

''(1) NEGOTIATED RULEMAKING.—Not later than 90 days after the date of enactment of this section the Commission, the Secretary of Agriculture, the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior shall enter into a negotiated rulemaking pursuant to subchapter III of chapter 5 of title 5, United States Code, to develop and publish a rule providing a process for the Commission to evaluate, and issue a final decision on, a completed application for a license under this part.

''(2) NEGOTIATED RULEMAKING COMMITTEE.—The negotiated rulemaking committee established pursuant to the negotiated rulemaking process entered into under paragraph (1) shall include representatives of State and Indian tribal governments, and other stakeholders who will be significantly affected by a rule issued under this subsection.

''(3) DEADLINES.—

''(A) PROPOSED RULE.—Not later than 2 years after the date of enactment of this section, the Commission shall publish a proposed rule resulting from the negotiated rulemaking under this subsection.

''(B) FINAL RULE.—Not later than 3 years after the date of enactment of this section, the Commission shall publish a final rule resulting from the negotiated rulemaking under this subsection.

''(4) ELEMENTS OF RULE.—In publishing a rule under this subsection, the Commission shall ensure that—

''(A) the rule includes a description of the Commission's responsibility as the lead agency in coordinating Federal authorizations;

''(B) the rule includes a process for development of a schedule for the review and disposition of a completed application for a license under this part;

''(C) each schedule developed pursuant to such process shall—

''(i) include deadlines for actions on the applicable completed application—

''(I) that are consistent with the duties of each agency under this Act and under applicable State, tribal, and other Federal laws; and

''(II) by—

''(aa) each Federal agency responsible for a Federal authorization;

''(bb) each State agency, local government, or Indian tribe that may consider an aspect of an application for a Federal authorization or is responsible for conducting any separate permitting and environmental reviews of the applicable project;

''(cc) the applicant;

''(dd) the Commission; and

''(ee) other participants in a license proceeding;

''(ii) facilitate the identification and completion of Federal, State, and tribal agency-requested studies, reviews, and any other procedures required to be conducted prior to, or concurrent with, the preparation of the Commission's environmental review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), to the extent practicable; and

''(iii) provide for a final decision on the applicable completed application to be made by not later than 3 years after the date on which the Commission receives such completed application;

''(D) the rule includes a mechanism for resolving issues of concern that may delay the completion of a license application or review of a completed application;

''(E) the rule includes a definition of a completed application; and

''(F) the rule provides for an opportunity for public notice and comment on—

''(i) a completed application; and

''(ii) the schedule developed for the review and disposition of the application.

''(d) APPLICATION PROCESSING.—The Commission, Federal, State, and local government agencies, and Indian tribes may allow an applicant seeking a Federal authorization to fund a third-party contractor selected by such an agency or tribe to assist in reviewing the application. All costs of an agency or tribe incurred pursuant to direct funding by the applicant, including all costs associated with the third party contractor, shall not be considered costs of the United States for the administration of this part under section 10(e).

''(e) ISSUE RESOLUTION.—The Commission may forward any issue of concern that has delayed either the completion of the application or the issuance of a license for a completed application beyond the deadline set forth in the schedule established under the final rule published under subsection (c) to the heads of the relevant State, Federal, or Indian tribal agencies for resolution. If the Commission forwards an issue of concern to the head of a relevant agency, the Commission and the relevant agency shall enter into a memorandum of understanding to facilitate interagency coordination and resolution of the issue of concern, as appropriate.

''(f) NO EFFECT ON OTHER LAWS.—Nothing in this section—

''(1) expands or limits the application of any power or authority vested in an agency, State, or Indian tribe by any applicable law or regulation;

''(2) shall be construed to affect any requirements of State, tribal, or other Federal law (including under the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act of 1973, section 14 of the Act of March 3, 1899 (commonly known as the Rivers and Harbors Appropriation Act of 1899), the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, and those provisions in subtitle III of title 54, United States Code, commonly known as the National Historic Preservation Act) with respect to an application for a license under this part; or

''(3) abrogates, diminishes, or otherwise affects any treaty or other right of any Indian tribe.

''SEC. 35. LICENSING STUDY IMPROVEMENTS.

''(a) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall, in consultation with applicable Federal and State agencies and interested members of the public—

''(1) compile current and accepted best practices in performing studies required in such license proceedings, including methodologies and the design of studies to assess the full range of environmental impacts of a project that reflect the most recent peer-reviewed science;

''(2) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this part; and

''(3) encourage license applicants, agencies, and Indian tribes to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

''(b) USE OF STUDIES.—To the extent practicable, the Commission and other Federal, State, and local government agencies and Indian tribes considering an aspect of an application for Federal authorization (as defined in section 34) shall use relevant, existing studies and data and avoid duplicating such studies that are applicable to the project. Studies repeated for the purpose of characterizing seasonal or annual variation of a relevant characteristic or resource shall not be considered duplicative.

''SEC. 36. EVALUATION OF EXPEDITED LICENSING FOR QUALIFYING PROJECT UPGRADES.

''(a) DEFINITIONS.—In this section:

''(1) EXPEDITED LICENSE AMENDMENT PROCESS.—The term 'expedited license amendment process' means an expedited process for issuing an amendment to an existing license issued under this part for a project.

''(2) QUALIFYING PROJECT UPGRADE.—The term 'qualifying project upgrade' means a change—

''(A) to a project; and

''(B) that meets the criteria under subsection (b).

''(b) IN GENERAL.—To improve the regulatory process and reduce the time and cost of making upgrades to existing projects, the Commission shall investigate the feasibility of implementing an expedited license amendment process for a change to a project that meets the following criteria:

''(1) The change to the project—

''(A) is limited to the power house equipment of the project; or

''(B) will result in environmental protection, mitigation, or enhancement measures to benefit fish and wildlife resources or other natural or cultural resources.

''(2) The change to the project is unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as determined by the Secretary of the Interior.

''(3) The Commission ensures, in accordance with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), that the change to the project will not result in the destruction or modification of critical habitat.

''(4) The change to the project is consistent with any applicable comprehensive plan under section 10(a).

''(5) The change to the project is unlikely to adversely affect water quality and water supply, as determined in consultation with any applicable State or Indian tribe.

''(6) Any adverse environmental effects resulting from the change to the project will be insignificant.

''(c) WORKSHOPS AND PILOTS.—The Commission shall—

''(1) not later than 60 days after the date of enactment of this section, hold an initial workshop to solicit public comment and recommendations on how to implement an expedited license amendment process for qualifying project upgrades;

''(2) evaluate pending applications for an amendment to an existing license of a project for a qualifying project upgrade that may benefit from an expedited license amendment process;

''(3) not later than 180 days after the date of enactment of this section, identify and solicit participation by project developers in, and begin implementation of, a 3-year pilot program to evaluate the feasibility and utility of an expedited license amendment process for qualifying project upgrades; and

''(4) not later than 3 months after the end of the 3-year pilot program under paragraph (3), hold a final workshop to solicit public comment on the expedited license amendment process.

''(d) MEMORANDUM OF UNDERSTANDING.—The Commission shall, to the extent practicable, enter into a memorandum of understanding with any applicable Federal, State, or tribal agency to implement the pilot program described in subsection (c).

''(e) REPORTS.—Not later than 3 months after the date of the final workshop held pursuant to subsection (c)(4), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes—

''(1) a summary of the public comments received as part of the initial workshop held under subsection (c)(1);

''(2) a summary of the public comments received as part of the final workshop held under subsection (c)(4);

''(3) a description of the expedited license amendment process for qualifying project upgrades evaluated under the pilot program, including—

''(A) a description of the procedures or requirements that were waived under the expedited license amendment process;

''(B) a comparison between—

''(i) the average amount of time required to complete the licensing process for an amendment to a license under the expedited license amendment process tested under the pilot program; and

''(ii) the average amount of time required to complete the licensing process for a similar amendment to a license under current Commission processes;

''(4) the number of requests received by the Commission to participate in the expedited license amendment process for qualifying project upgrades;

''(5) a description of changes to Commission rules required to create and standardize an expedited license amendment process for qualifying project upgrades;

''(6) a description of factors that prevented any participant in the pilot program from

completing the expedited license amendment process in the expedited time frame.

''(f) IMPLEMENTATION.—If the Commission determines, based upon the workshops and results of the pilot program under subsection (c), that an expedited license amendment process will reduce the time and costs for issuing amendments to licenses for qualifying project upgrades, the Commission shall revise its policies and regulations, in accordance with applicable law, to establish an expedited license amendment process.

''(g) PUBLIC INPUT.—In carrying out subsection (f), the Commission shall solicit and consider public comments before finalizing any change to policies or regulations.''.

SEC. 4. PILOT PROGRAM FOR CONSOLIDATED LICENSING PROCESS FOR INTRA-WATERSHED PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) PROJECT.—The term ''project'' has the meaning given such term in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) INITIAL WORKSHOP.—Not later than 3 months after the date of enactment of this Act, the Commission shall hold a workshop to solicit public comment and recommendations on how to implement a pilot program described in subsection (c).

(c) ESTABLISHMENT OF PILOT PROGRAM.—The Commission shall establish a voluntary pilot program to enable the Commission to consider multiple projects together in a consolidated licensing process in order to issue a license under part I of the Federal Power Act (16 U.S.C. 792 et seq.) for each such project.

(d) CANDIDATE PROJECT IDENTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Commission, in consultation with the head of any applicable Federal or State agency or Indian tribe and licensees, shall identify and solicit candidate projects to participate in the pilot program established under subsection (c). In order to participate in such pilot program a project shall meet the following criteria:

(1) The current license for the project expires between 2019 and 2029 or the project is not licensed under part I of the Federal Power Act (16 U.S.C. 792 et seq.).

(2) The project is located within the same watershed as other projects that are eligible to participate in the pilot program.

(3) The project is located in sufficiently close proximity and has environmental conditions that are sufficiently similar to other projects that are eligible to participate in the pilot program so that watershed-wide studies and information may be developed, thereby significantly reducing the need for, and scope of, individual project-level studies and information.

(e) DESIGNATION OF INDIVIDUAL PROJECTS AS A SINGLE GROUP.—The Commission may designate a group of projects to be considered together in a consolidated licensing process under the pilot program established under subsection (c). The Commission may designate such a group only if each licensee (or applicant) for a project in the group, on a voluntary basis and in writing, agrees—

(1) to participate in the pilot program; and

(2) to a cost-sharing arrangement with other licensees (or applicants) and applicable Federal and State agencies with respect to the conduct of watershed-wide studies to be considered in support of the license applications for the group of projects.

(f) PROJECT LICENSE TERMS.—The Commission may change the term of any existing license for an individual licensee in a group designated under subsection (e) by up to 5 years—

(1) to provide sufficient time to develop a consolidated study plan for—

(A) studies for individual projects in the group, as necessary; and

(B) relevant watershed-wide studies for purposes of the consolidated licensing process under the pilot program established under subsection (c) that will be applicable to each project in the group; and

(2) to align the terms of the existing licenses such that they expire on the same date.

(g) MEMORANDUM OF UNDERSTANDING.—The Commission shall, to the extent practicable, enter into a memorandum of understanding with any applicable Federal or State agency or Indian tribe to implement the pilot program established under subsection (c).

(h) INITIAL REPORT.—Not later than 3 months after the date of the initial workshop held pursuant to subsection (b), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes—

(1) a summary of the public comments received as part of such initial workshop; and

(2) a preliminary plan for identifying and soliciting participants in the pilot program established under subsection (c).

(i) INTERIM REPORT.—Not later than 4 years after the establishment of the pilot program under subsection (c), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes—

(1) a description of the status of the pilot program, including a description of the individual projects that are participating in the pilot program and the watersheds in which such projects are located; or

(2) if no projects are participating in the pilot program, a summary of any barriers the Commission has identified to proceeding with the pilot program and the reasons provided by potential participants for their preference for using an individual license process.

SEC. 5. INTERAGENCY COMMUNICATIONS AND COOPERATION.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is further amended by adding at the end the following new section:

''SEC. 37. INTERAGENCY COMMUNICATIONS AND COOPERATION.

''(a) EX PARTE COMMUNICATIONS.—Interagency communications relating to the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license under this part, or to the licensing process for a license under this part, shall not be considered to be ex parte communications under Commission rules.

''(b) PARTICIPATION IN PROCEEDINGS.—Interagency cooperation, at any time, in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license under this part, or in the licensing process for a license under this part, shall not preclude an agency from participating in a licensing proceeding under this part.

''(c) SEPARATION OF STAFF.—Notwithstanding subsection (a), to the extent the Commission determines necessary, the Commission may require Federal and State agencies participating as cooperating agencies under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to demonstrate a separation of staff that are cooperating with the Commission with respect to a proceeding under this part from staff that may participate in an intervention in the applicable proceeding.''.

SEC. 6. HYDROELECTRIC PRODUCTION INCENTIVES AND EFFICIENCY IMPROVEMENTS.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (c), by striking ''10'' and inserting ''20'';

(2) in subsection (f), by striking ''20'' and inserting ''30''; and

(3) in subsection (g), by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2017 through 2026''.

(b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C. 15882(c)) is amended by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2017 through 2026''.''.

SEC. 7. TECHNICAL AMENDMENTS.

(a) ALTERNATIVE CONDITIONS.—Section 33(a)(2)(B) of the Federal Power Act (16 U.S.C. 823d(a)(2)(B)) is amended, in the matter preceding clause (i), by inserting ''deemed necessary'' before ''by the Secretary''.

(b) LICENSES.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by striking ''adequate protection and utilization of such reservation'' and all that follows through ''That no license affecting the navigable capacity'' and inserting ''adequate protection and utilization of such reservation. The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such conditions. All disputed issues of material fact raised by any party shall be determined in a single trial-type hearing to be conducted by the relevant resource agency in accordance with the regulations promulgated under this subsection and within the time frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of the Energy Policy Act of 2005, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission: *Provided further*, That no license affecting the navigable capacity''.

SEC. 8. IMPROVING CONSULTATION WITH INDIAN TRIBES.

(a) GUIDANCE DOCUMENT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Federal Energy Regulatory Commission and the Secretary of the Interior shall prepare, in consultation with interested Indian tribes, licensees under part I of the Federal Power Act, and the public, a guidance document that identifies best practices for the Commission, Federal and State resource agencies, Indian tribes, and applicants for licenses under part I of the Federal Power Act for effective engagement of Indian tribes in the consideration of applications for licenses under part I of the Federal Power Act that may affect an Indian reservation, a treaty, or other right of an Indian tribe.

(2) UPDATES.—The Commission and Secretary shall update the guidance document prepared under paragraph (1) every 10 years.

(3) PUBLIC PARTICIPATION.—In preparing or updating the guidance document, the Commission and the Secretary shall convene public meetings at different locations in the United States, and shall provide an opportunity for written public comments.

(b) PUBLIC WORKSHOPS.—

(1) IN GENERAL.—Not later than one year after preparing or updating the guidance

document under subsection (a), the Commission shall convene public workshops, held at different locations in the United States, to inform and educate Commission staff, Federal and State resource agencies, Indian tribes, applicants for licenses under part I of the Federal Power Act, and interested members of the public, on the best practices identified in the guidance document.

(2) CONSULTATION.—In preparing the agenda for such workshops, the Commission shall consult with the Secretary of the Interior, interested Indian tribes, and licensees under part I of the Federal Power Act.

SEC. 9. TRIBAL MANDATORY CONDITIONS.

(a) IN GENERAL.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended—

(1) in subsection (e), in the first proviso, by inserting ''. or, in the case of tribal land, subject to subsection (h), the Indian tribe having jurisdiction over the tribal land,'' after ''under whose supervision such reservation falls''; and

(2) by adding at the end the following:

''(h) TRIBAL MANDATORY CONDITIONS.—

''(1) CRITERIA.—An Indian tribe may deem conditions necessary under the first proviso of subsection (e) only if the Secretary of the Interior (referred to in this subsection as the 'Secretary') determines that the Indian tribe has—

''(A) confirmed the intent of the Indian tribe to deem conditions necessary under the first proviso of subsection (e) by resolution or other official action by the governing body of the Indian tribe;

''(B) demonstrated financial stability and financial management capability over the 3-fiscal-year period preceding the date of the determination of the Secretary under this paragraph; and

''(C) demonstrated the ability to plan, conduct, and administer all services, functions, and activities that would otherwise be administered by the Secretary with respect to deeming conditions necessary on tribal land under the first proviso of subsection (e).

''(2) DETERMINATION ON REQUEST.—On request of an Indian tribe, not later than 1 year after the date on which the Secretary receives the request, the Secretary shall make the determination under paragraph (1).

''(3) WITHDRAWAL OF DETERMINATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary determines that an Indian tribe no longer meets the criteria under paragraph (1), the Secretary may withdraw the determination under paragraph (2).

''(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before withdrawing a determination under subparagraph (A), the Secretary shall provide to the Indian tribe—

''(i) notice of the proposed withdrawal; and

''(ii) an opportunity to respond and, if necessary, redress the deficiencies identified by the Secretary.''.

(b) ALTERNATIVE CONDITIONS.—Section 33(a) of the Federal Power Act (16 U.S.C. 823d(a)) is amended—

(1) in paragraph (1), by inserting ''or an Indian tribe'' before ''deems a condition'';

(2) in paragraph (2), by inserting ''or Indian tribe'' after ''the Secretary'' each place it appears;

(3) in paragraph (3), by inserting ''or Indian tribe'' after ''the Secretary'' each place it appears;

(4) in paragraph (4)—

(A) by inserting ''or Indian tribe'' before ''concerned shall submit'';

(B) by inserting ''or Indian tribe'' before ''gave equal consideration'';

(C) by inserting ''or Indian tribe'' after ''may be available to the Secretary'';

(D) by inserting ''or Indian tribe'' before ''shall also submit,''; and

(E) by striking ''available to the Secretary and relevant to the Secretary's decision'' and inserting ''available to the Secretary or Indian tribe and relevant to the decision of the Secretary or Indian tribe''; and

(5) in paragraph (5)—

(A) by striking ''Secretary's final condition'' and inserting ''final condition of the Secretary or Indian tribe'';

(B) by inserting ''or Indian tribe'' after ''consult with the Secretary'';

(C) by inserting ''or Indian tribe'' before ''may accept the Dispute Resolution'';

(D) by inserting ''or Indian tribe'' after ''advisory unless the Secretary'';

(E) by inserting ''or Indian tribe'' before ''shall submit the advisory and''; and

(F) by striking ''Secretary's final written determination'' and inserting ''final written determination of the Secretary or Indian tribe''.

SEC. 10. CONSIDERATION OF INVASIVE SPECIES.

Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after ''the Secretary of Commerce.'' the following: ''In prescribing a fishway, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall consider the threat of invasive species.''.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, I include in the RECORD letters of opposition to H.R. 3043.

KALISPEL TRIBE OF INDIANS,
Usk, WA, November 8, 2017.

Re Opposition to H.R. 3043, the Hydropower Policy Modernization Acts.

Hon. GREG WALDEN,
Chairman, House Energy and Commerce Committee, Washington, DC.

Hon. FRANK PALLONE,
Ranking Member, House Energy and Commerce Committee, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: On behalf of the Kalispel Tribe of Indians, we write to once again voice our opposition to H.R. 3043, the Hydropower Policy Modernization Act. As stated by Kalispel Vice Chairman Raymond Pierre during testimony before the House Natural Resources Committee in April, H.R. 3043 goes much too far in trying to address inefficiencies in the federal hydropower licensing process and will create more problems than it resolves. If enacted, H.R. 3043 will allow hydropower operations to undermine the purposes of Indian reservations and destroy with impunity tribal trust resources. We respectfully call on you to oppose this legislation.

The Kalispel Tribe resides on a 5,000-acre reservation on the Pend Oreille River in northeast Washington. Our reservation was created to provide our people with a permanent home, including the ability to use our river and its resources like we have since time immemorial. This purpose has been undermined by the construction and operation of the Albeni Falls, Box Canyon, and Boundary hydropower projects on the Pend Oreille River. The Box Canyon Reservoir flooded ten percent of our reservation. In addition, these facilities have combined to transform our free-flowing river into a fragmented system of reservoirs in which native fish struggle to survive while invasive species thrive. Many Kalispel no longer trust or use the river because of its altered ecology.

One of the Tribe's highest priorities is limiting any additional loss of reservation lands and remedying the cultural disconnection to the Pend Oreille River. The Federal Power Act (''FPA'') offers the Tribe its most potent tool in achieving these objectives. No other federal statute affords the same degree of protection to the tribal nations whose reservations are occupied by a Federal Energy Regulatory Commission (''FERC'')-licensed hydroelectric project.

Section 4 (e) of the FPA authorizes the Secretary of the Interior to develop mandatory conditions for the approval of FERC licenses that impact Indian reservations. In our case, these conditions are the only way to mitigate longstanding and otherwise unaddressed environmental and cultural impacts caused by FERC-licensed projects. The Pend Oreille Basin will be the recipient of significant conservation investments to restore connectivity and other habitat characteristics that make those projects consistent with the purposes of the Kalispel Indian Reservation because of the 4(e) conditions and Section 18 fishway prescriptions in the Box Canyon and Boundary FERC licenses. This conditioning authority also makes it much more difficult for hydroelectric projects to further flood Indian lands, which is a recurring problem across the United States.

H.R. 3043 does not improve the federal hydropower licensing process, but instead weakens its protections for impacted tribal nations. H.R. 3043 detrimentally impacts the Section 4(e) conditioning regime and undermines its effectiveness in protecting Indian Country. H.R. 3043 would overturn the D.C. Circuit Court of Appeals decisions in Tacoma v. FERC, which held that the Department of the Interior has mandatory authority to develop appropriate conditions to protect Indian reservations under the FPA and that FERC has no authority to reject these conditions because Interior did not meet FERC's truncated schedule. H.R. 3043 would force the Department of the Interior to comply with FERC's schedule. This change will impair the Department of the Interior's ability to fully examine each project and if it misses a deadline, tribal interests will not be considered until the next relicensing, often fifty years later.

H.R. 3043 would empower FERC to determine the scope of the environmental review for 4(e) conditions. This change creates a new burden for FERC in an area in which it lacks expertise. It also would require the Department of the Interior to consider the balance of energy production against its trust responsibility to Indian lands. Interior's only interest in the current process is the protection of Indian lands and that should remain its focus—it is not an arm of FERC.

Finally, H.R. 3043 would overturn the Supreme Court's decision in Escondido v. FERC, 466 U.S. 765 (1984) by giving FERC the authority to make a determination that a 4(e) condition or fishway prescription is inconsistent with the FPA. This fundamentally changes the FPA and undermines the Department of the Interior's ability to protect Indian lands and tribal resources.

The Kalispel Tribe urges the House of Representatives to reject H.R. 3043. The bill elevates hydropower interests at the expense of tribal rights. If this bill is enacted the Kalispel Tribe will suffer so that hydropower licensing may proceed without protecting tribal lands and trust resources.

Sincerely,

GLEN NENEMA,
Chairman, Kalispel Tribe of Indians.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 27, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce, Washington, DC.

Hon. FRED UPTON,
Chairman, Subcommittee on Energy, Washington, DC.

DEAR CHAIRMAN WALDEN AND CHAIRMAN UPTON: As Members of the Subcommittee on Energy with strong interest in facilitating improvements in hydropower operations, development, and licensing, we write to urge you to schedule another hearing on this critical topic. We believe a hearing with representatives of states, resource agencies, and Native American Tribes is vital to having a full understanding of how the 2005 hydropower license process reforms are working and what changes may be necessary to further improve the licensing and relicensing process to reduce delays and costs for all parties involved.

Hydroelectric power provides substantial, virtually carbon-free, baseload energy at low cost to our manufacturing sector and to residential and commercial consumers. It is an important asset that we believe is essential to maintain.

At the same time, however, it is clear that while hydroelectric generation is essentially free of air emissions relative to fossil generation, it is not impact-free. Absent mitigation, hydropower has major negative impacts on fish and wildlife populations, water quality and other important physical and cultural resources, particularly if it is poorly operated or sited. In addition, increased demands for water creates significant challenges of water supply management in some regions. All of these competing interests must be balanced in issuing a license. The Federal Power Act (FPA) respects states' authorities to manage water resources according to state laws allocating water rights. And, the FPA authorizes states and federal natural resource agencies to place conditions on hydroelectric licenses to preserve water quality, protect public lands and Native American reservations, and ensure proper fish passage to preserve healthy ecosystems and fisheries.

We were very encouraged by the substance and tone of the Subcommittee's March 15, 2017 hearing entitled ''Modernizing Energy Infrastructure: Challenges and Opportunities to Expanding Hydropower Generation.'' The comments and contributions from witnesses and Members on both sides of the aisle were constructive, measured, and thoughtful, leading us to believe that great potential exists to develop legislation to improve the process for licensing hydroelectric generation and pumped storage in this country.

However, the hearing provided an incomplete record with regard to the process of hydroelectric licensing. In order to move forward on considering any legislative changes to current law in a knowledgeable manner, the Committee must hear from those who propose the conditions included in licenses: states, federal resource agencies, and Native American Tribes. Each of these entities has a unique role in the licensing process stemming from its equally unique responsibility for overseeing water rights and managing the many demands on a river and its use. Neither power generation, nor any other single use of a river, should dominate the decision making process.

We look forward to working with you on this matter and respectfully urge you to hold a second hearing with these witnesses prior to consideration of any legislative proposal. Thank you for your attention and consideration.

Sincerely,

Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce; Bobby L. Rush, Ranking Member, Subcommittee on Energy; Jerry McNerney, Member of Congress; Scott Peters, Member of Congress; Gene Green, Member of Congress; Michael F. Doyle, Member of Congress; Kathy Castor, Member of Congress; John P. Sarbanes, Member of Congress; Peter Welch, Member of Congress; Paul Tonko, Ranking Member, Subcommittee on Environment; Dave Loebsack, Member of Congress; Joseph P. Kennedy III, Member of Congress; G.K. Butterfield, Member of Congress.

OCTOBER 5, 2017.

Hon. PAUL RYAN,
Speaker, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: We are writing you on behalf of the members of The Association of Clean Water Administrators (ACWA), Environmental Council of States (ECOS), and The Association of State Wetland Managers (ASWM) to express our concern with provisions of H.R. 3043—Hydropower Policy Modernization Act of 2017. If enacted as written, the draft bill would modify Federal Energy Regulatory Commission (FERC) licensing requirements under the Federal Power Act, and may conflict with the states' authority under Section 401 of the Clean Water Act to protect water quality and provide critical input on federal dredge and fill permits to wetlands and other waters under § 404.

Under the CWA and a state's own laws and regulations, states are responsible for advancing the attainment of clean and healthy waters. Section 401 of the CWA requires states to certify that projects impacting navigable waters will comply with applicable water quality standards and other state requirements. Additionally, 401 certification is required for federal dredge and fill permits to wetlands and other waters under Section 404. Under this framework, states and permittees have efficiently been able to balance certification of hydropower facilities while ensuring that water quality standards are met initially or through remedial actions. By weakening § 401 authority, H.R. 3043 would harm the ability of the governmental entity with primary responsibility for water quality protection.

Additionally, H.R. 3043 places FERC in control of permitting timetables and limits time extensions. This could restrict states' abilities to gather necessary data and scientific studies for permitting, which are crucial to reaching collaborative, science-based conclusions. Rushing scientific studies and data gathering would result in federal agencies making regulatory decisions without sufficient technical information, and may lead to litigation and less effective oversight of hydropower facilities.

H.R. 3043 needlessly impairs state authority granted under the CWA, and undermines ''cooperative federalism,'' a core principle of the Act and the Administration's approach to environmental law. The bill will not improve permitting efficiency, and will likely result in water quality standards being even harder to achieve. ACWA, ECOS and ASWM welcome the opportunity to discuss revisions that would better preserve states' rights under CWA Section 401 and ensure the protection of state water resources. Should you have any additional questions, do not hesitate to contact us.

Sincerely,

ALEXANDRA DUNN,
Executive Director, ECOS.

JULIA ANASTASIO,
Executive Director, ACWA.

JEANNE CHRISTIE,
Executive Director, ASWM.

MARYLAND DEPARTMENT OF THE ENVIRONMENT,
Baltimore, MD, August 14, 2017.

Hon. PAUL RYAN,
Speaker, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: The State of Maryland (''Maryland'') provides the following comments on the House of Representatives Bill 3043 (H.R. 3043)—Hydropower Policy Modernization Act of 2017. Although Maryland generally welcomes reforms that streamline the Federal Energy Regulatory Commission (FERC) licensing process, Maryland strenuously opposes any provisions in H.R. 3043 that would have the effect of curtailing State authority under Section 401 of the Clean Water Act to establish license conditions to protect water quality. Several provisions of H.R. 3043 essentially serve to constrain state agencies use of their independent authorities, making it more difficult to protect water quality.

States serve an essential role in the FERC hydropower licensing process when they review applications under Section 401 of the Clean Water Act in order to determine whether the construction and/or operation of the facility will meet state water quality standards and requirements. These reviews often result in applicants conducting additional scientific studies and states putting in place requirements (conditions) to ensure that State water quality standards and requirement are met. These types of conditions are essential for ensuring that existing and new hydropower projects are built and operated in a manner that is consistent with state and federal environmental laws and are protective of the environment. These conditions then become conditions of the FERC license.

H.R. 3043 designates FERC as the lead agency over federal authorizations related to an application for a license, license amendment, or exemption for a hydropower project. This bill requires states to meet deadlines established by FERC in a schedule that FERC develops for the licensing action. Further, this bill places limits on FERC's ability to easily grant extensions to the deadlines. As the lead agency, FERC would establish and control the timeline for the hydropower licensing process and it appears that H.R. 3043 gives FERC the authority to create a schedule that would reduce the amount of time a state would have to get necessary scientific studies completed and to assess whether water quality standards and requirements will be met as required under Section 401 of the Clean Water Act. Further, not only does this legislation likely place pressure on states to complete their water quality reviews more quickly using existing information, it also provides applicants with an entitlement to a trial-type hearing before a FERC Administrative Law Judge whenever there is a dispute of material fact. Moreover, this legislation declares the decision of the FERC Administrative Law Judge to be final and not subject to further administrative review. This allowance for a trial-like hearing

combined with pressure to use existing science and meet strict deadlines together makes it even more challenging for states to protect water quality.

Finally, applications for amendments to existing licenses which qualify as a project ''upgrade'' (which is determined by FERC as to whether a proposed amendment qualifies as an upgrade) obtain even more expedited processing by FERC. In these cases, it appears that FERC would be the decision maker, not the state, with regard to whether the desired amendment to project operations would affect water quality.

Decades of federal court decisions interpreting Section 401 have established the states' authority to require conditions in FERC licenses necessary to protect water quality. These decisions recognize and affirm the basic principle of federalism embodied in the Clean Water Act that states have the primary role and responsibility to ensure state water quality standards are met.

Maryland's interest in protecting water quality is as important and relevant today as ever, particularly now as FERC considers the relicensing of the Conowingo hydroelectric dam on the Susquehanna River in Maryland. The Susquehanna River provides approximately 50 percent of the fresh water to the Chesapeake Bay and is an important driver of the Bay's water quality. A joint study funded by Maryland and the Army Corps of Engineers concluded that the Dam's loss of capacity to trap sediment and associated nitrogen and phosphorus pollution (nutrients) adversely affects the health of the Bay. The precise nature of the Dam's adverse impacts on the health of the Bay and the circumstances under which they occur are currently the subject of additional study. What is clear, however, is that any new FERC license for the Dam will have to contain appropriate conditions to address sediment and associated nutrient transport and ensure that Maryland's water quality standards are maintained. Without appropriate conditions Maryland may not be able to meet its commitment to achieve EPA's Total Maximum Daily Loads (''TMDL'') for the Bay.

In impairing the states' primary roles and responsibilities under Section 401 to fashion conditions in FERC licenses, H.R. 3043 relegates the states—the entities with the greatest interest and expertise in protecting state water quality—to bystander or second-class status. Maryland strenuously objects to the provisions in H.R. 3043 that would make it more difficult for Maryland to ensure water quality through the Clean Water Act Section 401 water quality certification process.

Maryland's concerns with the legislation's impact on the Conowingo hydroelectric dam relicensing process could be addressed by making clear that nothing in the legislation alters Section 401 of the Clean Water Act with regard to State authority, role, responsibilities, process and timeline. Further, the legislation should clearly indicate that state actions associated with Section 401 requirements, including the assessment of water quality standard achievement and resulting conditions, are not eligible for a trial type hearing by a FERC Administrative Law Judge for purposes of resolving disputes of material fact. Maryland urges that the provisions of H.R. 3043 that would have the effect of curtailing State authority under Section 401 of the Clean Water Act be stricken from the bill.

We thank you for your time and attention to this matter.

Respectfully,

BEN GRUMBLES,
Secretary, Maryland Department of the Environment.

MARK BELTON,
Secretary, Maryland Department of Natural Resources.

Mr. RUSH. Mr. Chairman, I rise in strong support of the Rush amendment in the nature of a substitute, and I urge all of my colleagues to support it as well.

Mr. Chairman, hydropower is backed by Members on both sides of the aisle. We all support hydropower, but the process for how we license these projects is far too important for us to get it wrong.

While many Members on the minority side have objections to the underlying bill, H.R. 3043, due to its negative impact on States' rights and States' prerogatives under the Clean Water Act, my substitute amendment addresses these issues in a more responsible way.

Mr. Chairman, H.R. 3043 will not modernize or improve the hydropower licensing process, but, rather, it simply places private profits for industry over the public interest.

Mr. Chairman, we certainly need a more balanced approach, such as the one provided in my substitute amendment, which contains bipartisan provisions that were included in the hydropower package that both sides agreed to in a fit of bipartisanship last December in committee.

Mr. Chairman, my amendment contains several provisions to improve the licensing process while also offering incentives to the hydropower industry.

This substitute contains a requirement to set up a new licensing process, but, unlike H.R. 3043, it protects the rights of Federal resource agencies, States, and Indian Tribes to impose conditions in accordance with modern environmental laws.

My substitute also amends the definition of renewable energy to include all hydropower, just as H.R. 3043 does; however, it expands the goals for Federal purchasing of renewable power beyond the 15 percent included in H.R. 3043 as an objective, not a mandate.

Mr. Chairman, my amendment also contains a ''reward for early action'' provision that authorizes FERC to take into account a licensee's investments made over the course of their license in order to improve the efficiency or environmental performance of their hydropower facility when setting the term of their new license.

Mr. Chairman, in testimony before the Energy and Commerce Committee, we heard, repeatedly, that a major cause for licensing delays was due to incomplete applications that do not include all the pertinent information necessary to issue a decision.

While H.R. 3043 does nothing to address this issue, my substitute does so by directing FERC and other Federal resource agencies to convene a negotiating rulemaking with all the stakeholders to develop a process in which a completed license application will be evaluated and issued or denied within a period of not more than 3 years.

□ 1515

Mr. Chairman, my amendment preserves States' and Tribal authorities by directing FERC and the Secretary of the Interior to issue guidance on best practices for engagement with Indian Tribes in the hydropower licensing process.

Mr. Chairman, we cannot allow industry profits to supersede the interests of Native Tribes, States, and other important stakeholders.

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

Mr. UPTON. Mr. Chair, I claim the time in opposition to the amendment.

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

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment. I do so with some hesitancy against my good friend, but I would say that this amendment would strike and replace the base tax with language that would add additional layers of red tape and bureaucracy already to the permitting process.

The bill itself, H.R. 3043, contains essential permitting and licensing reforms to ensure that renewable hydropower remains an important part of our all-of-the-above approach to energy, something that many of us on both sides of the aisle support.

We know that the permitting process has been broken. We have heard from FERC over the years and project developers who have been stuck for more than a decade because of bureaucratic delays.

We also know that we need to improve coordination. There are lots of moving parts with multiple permits required and sometimes dozens of agencies that are involved, but this bill, H.R. 3043, brings transparency and predictability to the process by empowering the State and Federal agencies to actually sit at the table with FERC to identify issues of concern and resolve them before they result in unnecessary delay.

The bill, H.R. 3043, as we have said a number of times over the last hour, ensures that States and Tribes are an integral part of that process. The word ''consult'' appears no less than a dozen times in the 30 pages.

Without these important changes to the law, States and Tribes may continue to be left out of the important decisions relating to hydropower licensing.

Again, I remind my colleagues that this is a new provision that we added. This wasn't in the bill last year as we debated this title and approved it in committee and saw it move again on the Senate floor with a vote that, as I recall, was 92–8.

The bill, H.R. 3043, strikes a careful balance, which is why it has broad support from the American Council on Renewable Energy, the American Public Power Association, the Business Council for Sustainable Energy, Edison Electric Institute, International Brotherhood of Boilermakers, International

Brotherhood of Electrical Workers, International Federation of Professional and Technical Engineers, Large Public Power Council, Laborers' International Union of North America, National Electrical Contractors Association, the National Hydropower Association, the National Rural Electric Cooperative Association, the North American Building Trades Council, and the United Brotherhood of Carpenters and Joiners of America.

Mr. Chairman, this amendment, we view over here on this side as a poison pill. It would kill jobs and discourage the development of clean, affordable, and reliable hydropower.

Mr. Chair, I would urge my colleagues to vote ''no'' on this amendment and vote ''yes'' on the bill.

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

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

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

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

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

Mr. UPTON. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DESANTIS) having assumed the chair, Mr. ESTES of Kansas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, had come to no resolution thereon.

RECESS

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

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess.

□ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 4 o'clock and 30 minutes p.m.

HOUR OF MEETING ON TOMORROW

Mr. HILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

HYDROPOWER POLICY MODERNIZATION ACT OF 2017

The SPEAKER pro tempore. Pursuant to House Resolution 607 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3043.

Will the gentleman from Illinois (Mr. RODNEY DAVIS) kindly take the chair.

□ 1632

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, with Mr. RODNEY DAVIS of Illinois (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 4 printed in House Report 115–391, offered by the gentleman from Illinois (Mr. RUSH), had been postponed.

AMENDMENT NO. 4 OFFERED BY MR. RUSH

The Acting CHAIR. Pursuant to clause 6 of rule I, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 234, not voting 13, as follows:

[Roll No. 619]

AYES—185

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

NOES—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Moolenaar
Mooney (WV)
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Schrader
Schweikert
Scott, Austin
Sensenbrenner

Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOT VOTING—13

Bridenstine
Clark (MA)
Cuellar
Hurd
Johnson, E. B.
Johnson, Sam
Lawson (FL)
Mitchell
Pelosi
Pocan
Roybal-Allard
Scalise
Scott, David

□ 1654

Messrs. POSEY, WALBERG, HIGGINS of Louisiana, and LAHOOD changed their vote from ''aye'' to ''no.''

Messrs. BEN RAY LUJÁN of New Mexico, PERLMUTTER, and GUTIÉRREZ changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LAWSON of Florida. Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 619.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COLLINS of Georgia) having assumed the chair, Mr. RODNEY DAVIS of Illinois, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, and, pursuant to House Resolution 607, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on passage of the bill will be followed by a 5-minute vote on suspending the rules and passing H.R. 3705.

The vote was taken by electronic device, and there were—ayes 257, noes 166, not voting 9, as follows:

[Roll No. 620]

AYES—257

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

NOES—166

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Brown (MD)
Brownley (CA)
Butterfield
Capuano
Carbajal
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly
Conyers
Cooper
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Ellison
Engel
Eshoo
Esty (CT)
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gottheimer
Green, Al
Grijalva
Gutiérrez
Hanabusa
Harris
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
O'Halleran
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Ruiz
Ruppersberger
Rush
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Serrano
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Vargas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Bridenstine
Clark (MA)
Cuellar
Hurd
Johnson, E. B.
Mitchell
Pocan
Roybal-Allard
Scalise

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1702

Messrs. FERGUSON and VELA changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HURD. Mr. Speaker, I was unable to vote on the bills and subsequent amendments due to travel to Sutherland Springs, Texas, to meet with the victims, their families, and the first responders of the attack that took place on November 5th, 2017. Had I been present, I would have voted "yea" on rollcall No. 616, "yea" on rollcall No. 617, "yea" on rollcall No. 618, "nay" on rollcall No. 619, and "yea" on rollcall No. 620.

VETERANS FAIR DEBT NOTICE ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3705) to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 621]

YEAS—422

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Espaillat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—10

Bridenstine
Clark (MA)
Cuellar
Hurd
Johnson, E. B.
LaHood
Mitchell
Pocan
Roybal-Allard
Scalise

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1709

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HURD. Mr. Speaker, I was unable to vote on the bills and subsequent amendments this afternoon due to travel to Sutherland Springs, Texas, to meet with the victims, their families, and the first responders of the attack that took place on November 5th, 2017. Had I been present, I would have voted "yea" on rollcall No. 621.

PERSONAL EXPLANATION

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 619, "yea" on rollcall No. 620, and "yea" on rollcall No. 621.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 576

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 576.

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

There was no objection.

CELEBRATING 50TH ANNIVERSARY OF MCHENRY COUNTY COLLEGE

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

Mr. HULTGREN. Mr. Speaker, I rise today to congratulate McHenry County College on their 50 years of service to our community and State.

Since April 1967, MCC administration, faculty, staff, and trustees have demonstrated unparalleled commitment to their students through quality degree and certificate programs.

Through the college, the community is provided a diverse and relevant array of enrichment and lifelong learning opportunities; everything from advanced manufacturing, engineering, and healthcare to fine arts, the humanities, continuing education and training, and everything in between.

I commend the college, led by President Dr. Clint Gabbard, for its continued focus on student success, innovation, and contribution toward the community's economic development.

True to its goal of student success, the college has been ranked among the top 150 community colleges in the Nation and scores in fourth place in the State for student success rates and affordability.

From visiting and hosting numerous congressional events at MCC, I am always impressed by the extraordinary efforts and commitment of McHenry County College faculty and staff.

Congratulations, McHenry County College, on your 50th anniversary.

VETERANS DAY

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

Mr. LANGEVIN. Mr. Speaker, this Saturday is Veterans Day, a day to reflect on the bravery and the commitment of our servicemembers and to

thank them for their dedication to our Nation.

From the Greatest Generation who served in World War II to the veterans who traversed the harsh jungles of Vietnam, to the young people who took up the banner and persisted in the fight against terrorism in Afghanistan and in Iraq, we owe our veterans an endless debt of gratitude.

It is our responsibility to provide for our servicemembers when they heed the call to serve, as well as to care for them when they return home.

Mr. Speaker, we must fulfill our promises to our veterans and deliver on the promises, the benefits that they have earned. We need to make sure that we end veterans' homelessness. Whether it be ensuring timely access to quality healthcare, enabling the pursuit of educational opportunities, or providing the tools to start their own business, let us reaffirm to our veterans that they will have the support and the services that they need following their service.

To all our veterans, thank you for your service. May God bless you, and may God continue to bless the United States of America.

□ 1715

RECOGNIZING WEST LUTHERAN HIGH SCHOOL FOR PATRIOTISM

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

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the patriotism of West Lutheran High School in Plymouth, Minnesota, and their annual Veterans Day celebration.

Every day, the students at West Lutheran recite the Pledge of Allegiance, even when they did not have enough flags for their classrooms. So the senior American Government class raised $1,200 to purchase flags that will honor their alumni who have answered the call to serve in uniform.

The West Lutheran Veterans Day ceremony is now a central part of life in the Plymouth community, and every year they recognize contributions and sacrifices made by those in uniform. This year, veterans will be treated to breakfast, the music of the West Lutheran band, and remarks by Tom Warren, Sr., a veteran of the U.S. Army and Operation Desert Storm.

So, Mr. Speaker, I commend the West Lutheran community for keeping this tradition alive, and I also thank our veterans for the selfless acts of courage that keep our country safe.

THE STATE OF AMERICA'S VOTING INFRASTRUCTURE

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

Mr. PAYNE. Mr. Speaker, 17 years ago, the United States began a 2-month-long crash course in voting machines and election infrastructure. The 2000 Presidential election opened our eyes to the fact that voting equipment in most places was out-of-date and unsafe.

We didn't learn the lessons of 2000, and in 2017, America's election infrastructure remains in a bad state. We must act immediately.

First, we need to help all local and State governments replace their outdated paperless machines with more secure systems.

Second, we need to require post-election audits of all paper records to make sure that the results tabulated by voting machines have not been hacked.

Third, we need to help election officials at the local level upgrade their database and election infrastructure to protect against all cyber attacks.

Mr. Speaker, I urge my colleagues to join me in supporting all efforts to modernize and protect our voting infrastructure and legislation dealing with cyber attacks.

CELEBRATING MONTANA'S STATEHOOD

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

Mr. GIANFORTE. Mr. Speaker, I rise today to pay tribute to a special place: Montana.

From our snowcapped mountains to our nearly endless prairies, Montana is an awe-inspiring place of tremendous beauty. We call it Big Sky Country, the Treasure State, the Last Best Place, and we call it home.

When Montana first became a territory in 1864, it was the Wild West. Prospectors, cattle ranchers, and settlers overcame scorching sun and blistering cold to establish our Nation's 41st State.

But there is something even more special than the beauty of an eastern Montana sunset or being knee-deep in a crystal-clear mountain stream. It is the people of Montana. Montanans are kind, warm, generous, and hard-working people.

On November 8, 1889, our special place became part of something even more special, the land of the free and the home of the brave. Today, Montanans celebrate the 128th anniversary of our statehood.

OUR MILITARY OPERATIONS IN NIGER

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

Ms. LEE. Mr. Speaker, I rise today to sound the alarm about our military operations in Niger.

On October 4, four U.S. Army Special Operations Forces were tragically killed on a mission in Niger. My deepest condolences to the families of these fallen heroes.

This is a mission, Mr. Speaker, which Congress still knows nothing about. And as recently as last week, Secretaries Tillerson and Mattis testified before the Senate Foreign Relations Committee on this tragedy. But one question remains unanswered: Why were our servicemembers in Niger?

It is outrageous that Congress has been left in the dark about these operations. At a minimum, we should have some basic knowledge of the missions we are asking servicemembers to risk their lives for.

Myself and others sent a bipartisan letter to the administration demanding that President Trump seek authorization ahead of any future military operations in Niger.

It is not just Niger. Speaker RYAN needs to stop blocking a debate and vote on these ongoing wars. The people deserve answers.

What is the holdup, Mr. Speaker? What are you afraid of? Why don't you want the American people to know?

Congress, yes, is missing in action. We owe it to our servicemembers and our constituents to have a debate and a vote on these ongoing wars. Congress needs to do its job.

RECOGNIZING COLONEL BEN MARGOLIUS AND MR. AL EATON, FOUNDERS OF THE SOUTHERN TIER VETERANS SUPPORT GROUP

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

Ms. TENNEY. Mr. Speaker, I rise today to recognize Colonel Ben Margolius and Mr. Al Eaton, founders of the Southern Tier Veterans Support Group.

Ben is a veteran of the Army, serving as the chief of joint operations for the U.S. Transportation Command and holding leadership positions at USCENTCOM, USEUCOM, and USTRANSCOM.

Al is a veteran of the Navy and, like my son, a graduate of the U.S. Naval Academy, having served as a naval flight officer on P–3 Orions, performing antisubmarine warfare and surface surveillance missions.

After their military service, Ben and Al saw a great need to provide help to veterans where other agencies could not. This started informally, with Ben and Al getting donations and support where they could, until the Southern Tier Veterans Support Group was formed officially in August of 2011.

Today, Ben and Al's work has brought over 70 community partners together to assist veterans and their families, with 425 veterans receiving $65,000 in assistance since 2016.

Thank you, Ben and Al, for your service and for all that your organization has done to help our veterans.

Go Navy.

Go Army.

TAX REFORM AND CUTS TO THE WORK OPPORTUNITY TAX CREDIT

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

Mr. MCEACHIN. Mr. Speaker, today, I rise against H.R. 1, the so-called Tax Cuts and Jobs Act, and its effects on our veterans.

H.R. 1 would cut the successful work opportunity tax credit, a Federal credit available for employers to incentivize them to hire veterans.

In 2016, there were 453,000 veterans that were unemployed nationwide—16,000, alone, in Virginia.

Mr. Speaker, today, on their behalf, I call on my Republican colleagues to find solutions that do not sacrifice those who have sacrificed enough.

House Republicans have suggested that the work opportunity tax credit, at a cost of $1 billion, is simply too expensive to keep in place. However, I cannot help but wonder why the same is not said about repealing the estate tax, a $269 billion tax cut for the wealthy.

My Democratic colleagues and I are taking a different approach by founding the Reinvesting in Our Returning Heroes Task Force. Instead of hurting, we are helping veteran businessowners and veterans who need jobs.

Mr. Speaker, my father is buried in Arlington. He was a Korean war veteran. He said that the American GI only asked of his country what he was prepared to give, and that is his best.

Mr. Speaker, this tax cut is not our best.

CONGRATULATING MICHAEL FIRESTINE ON RECEIVING BRUNING AWARD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Michael Firestine as he receives the prestigious Bruning Award from the American Bankers Association Center for Agricultural and Rural Banking.

Mike Firestine's leadership and outstanding dedication to providing credit and financial guidance to farmers, ranchers, and rural businesses is well known in the Commonwealth of Pennsylvania. He has been an agricultural banker with the same bank for more than 35 years.

Mike began his ag banking career in 1978, with the Lebanon National Valley Bank, which later merged with Fulton Bank, where Mr. Firestine is currently a senior vice president.

Over the course of his career, Mike has helped scores of young farmers establish themselves in the industry. His counsel and advice propelled many to success.

In many ways, Mike has stayed true to his roots. He was born and raised in a small town in Pennsylvania, where his grandfather was a dairy farmer. He runs a family farm, where he produces pumpkins and other crops and raises Hereford cattle.

Mr. Speaker, it is an honor to recognize Mike Firestine on this tremendous achievement and an outstanding career in agriculture.

GUN VIOLENCE

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

Mr. SCHNEIDER. Mr. Speaker, here we are again, mourning the senseless loss of life from yet another terrible mass shooting.

Last Sunday, at their church in Texas, 26 more Americans were cut down by a gunman. The oldest was 77 years old. The youngest was 17 months old.

This is just a few weeks after Las Vegas endured the deadliest shooting in our country's history and in the backdrop of ongoing violence in cities, towns, and homes across the country that claims an average of 93 lives each and every day.

The response from this Chamber is deafening silence.

Mr. Speaker, how can we face this epidemic without even a debate?

I am open to any commonsense idea to make progress on this issue, from universal background checks to limiting access to high-capacity magazines and military-style assault weapons.

I have introduced legislation to help prevent theft from the Federal Firearm Licensees, expand background checks, and close purchase monitoring loopholes.

I know there is no one single solution, but we cannot allow this epidemic to continue without even a discussion on what we can do. Together, we have the opportunity to save lives.

I urge my colleagues to act.

HONORING VETERANS DAY

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

Mr. PALAZZO. Mr. Speaker, I rise today to recognize America's veterans.

Saturday is Veterans Day, a time to recognize our bravest men and women who answered the call to defend our great Nation against our enemies. Words are not enough to say thank you for everything you have endured and sacrificed on America's behalf.

As a fellow veteran, and on behalf of the good families of Mississippi's Fourth Congressional District, I want to convey my appreciation to you and your families.

Many of us have seen the perils of war and conflict. Many have been injured in the line of duty, and many have paid the ultimate sacrifice before the altar of freedom.

Because of this display of sacrifice, future generations may enjoy the blessings of what our country stands for: the right to life, liberty, and the pursuit of happiness. I am proud to have had the opportunity to serve alongside such brave men and women.

So, veterans, we are a free nation because of the bravery of you and your families. Happy Veterans Day, and God bless you.

GOP TAX PLAN

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

Mr. LOWENTHAL. Mr. Speaker, I rise to join the chorus of Americans across the country who are gravely concerned about the reckless Republican tax plan.

Middle class families in my district know that this plan won't help to get them ahead, and it is not because they are doing the math wrong. The plan throws a buffet full of enormous tax cuts for multinational corporations and billionaire real estate investors, and it leaves hardworking families to fight for table scraps.

Tens of millions of middle class families will ultimately face a tax hike, and the repeal of the State and local deduction raises taxes on many families in my district in California.

For example, in Orange County, my constituents deduct an average of $6,500 a year using the SALT provision. This proposal sends them a bill.

Republicans are asking my constituents to pay more, only to let companies that expand overseas pay less. That simply doesn't make sense.

I urge all of my colleagues, especially my neighbors in California, to reject this tax hike on middle class families.

□ 1730

THANKING OUR VETERANS

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

Mr. LAMALFA. Mr. Speaker, I rise tonight to recognize and thank our veterans. We will all be doing that this coming Saturday on Veterans Day. They sacrificed so much and we are so glad to have them here to be able to celebrate and thank them.

I recommend that everybody please take part in the events that you have in your community. Go to the parades, go to the barbecues, and take a minute to thank a veteran.

Things we can do around here as legislators are like we did this week with several pieces of legislation, helping veterans with VA so that they would have more access for telemedicine, which makes technology more available and provides better doctors for diagnosing veterans and giving them what they need.

The VICTOR Act considers the travel veterans have to take to go for transplants. Wouldn't it be better for them to be closer to home instead of traveling long distances so they and their families can get the care they need and have the access they need locally?

Lastly, I will mention the Veterans Crisis Line Study Act. When a veteran is in crisis, when a veteran is contemplating suicide, as happens so much these days—20, 22 veterans per day giving up—we need to have the Veterans Crisis Line Study Act in place to better modify the crisis line to be effective for them; so that there is someone there so they can have immediate help to get through that time.

These are some of the things we can do for veterans as we wish them a happy Veterans Day and thank them for their service. God bless them.

AMERICAN PEOPLE DESERVE A BETTER DEAL

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

Mr. CICILLINE. Mr. Speaker, they are at it again. Corporate lobbyists and billionaires are spending whatever it takes to get their way in this town and avoid paying their fair share in taxes. Meanwhile, working people who play by the rules are getting crushed by healthcare costs, childcare expenses, housing payments, and student loan debt.

What is the Republican solution for this problem?

A $1.5 trillion tax cut for millionaires and billionaires, and a tax increase for tens of millions of hardworking families.

This bill is a scam. Republicans are throwing a wealthy five-star banquet for the wealthy and well connected, and saving a few crumbs that fall from the table for the hardworking middle class.

Democrats know that American people deserve a better deal. That is why we are fighting to build an economy that ensures better jobs, better wages, and a better future; create 10 million new full-time, good-paying jobs; invest in rebuilding our crumbling roads, bridges, and schools; lower costs for everything from prescription drugs to childcare; and break up corporate monopolies that are raising costs and reducing choices for working families.

Republicans might be fine with the status quo that benefits the wealthy and powerful special interests. We know the American people deserve better—better jobs, better wages—for a better future.

RECOGNIZING DONALD AND SHARON CAMPBELL

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

Mr. FASO. Mr. Speaker, today I rise to thank Donald and Sharon Campbell, who have actively volunteered for more than a dozen years at the Valatie Ecumenical Food Pantry, a ministry of the Ichabod Crane Clergy Association in Columbia County.

With Don serving as chairman from 2006 to 2017, the leadership of these two honorable individuals has enabled the food pantry to serve hundreds of families in northern Columbia County. Utilizing grants, community donations, local farms and markets, the Campbells have truly supported their less-fortunate neighbors, enabling those folks to better support their families and loved ones.

Don and Sharon's efforts extend beyond the food pantry, aiding many other charitable pursuits in our community. We thank them as well as the volunteers of the Valatie Ecumenical Food Pantry for their gracious service to our Columbia County community.

THANKING ALL VETERANS

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

Mr. CORREA. Mr. Speaker, all gave some, and some made the ultimate sacrifice. This Saturday is Veterans Day, a day we pause to honor the brave men and women from our communities who have served our country. Veterans represent the best in America. Veterans embody loyalty and honor by always putting their fellow soldiers and country before themselves.

Veterans prove this determination in getting the mission done. This country has made a promise to every person who puts on that uniform. You stand for us, and we will stand for you. Their mission was protecting us. Our mission in Congress is to protect them.

To all of our vets, thank you for your service. Thank you for serving our country.

DOJ FALSE CLAIMS ACT ISSUE

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

Mr. SESSIONS. Mr. Speaker, I rise today to call on the Department of Justice to impose a moratorium on its practice of using the False Claims Act to demand settlements from America's mortgage brokers for perceived violations in the loans these lenders made under the Federal Housing Authority's mortgage insurance program.

Simply put, intentional efforts to defraud the Federal Government should be prosecuted and pursued to the fullest extent of the law. However, as the FHA has worked to provide further clarification on the law, the Department of Justice has, unfortunately, focused their efforts on attacking honest mortgage brokers, lenders, and first-time home buyers for infractions as small as a clerical error or a small technical mistake.

The FHA, in conjunction with HUD, is close to finalizing a taxonomy that would allow for a specific and transparent penalty to be imposed for a specific violation of the FHA application loan process. But as Brian Montgomery, the nominee to be Assistant Secretary for Housing, told the Senate Banking Committee last week, the Department of Justice has stepped in front of the FHA. We should correct this circumstance.

PEOPLE VOTED BASED ON PRINCIPLES

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

Ms. JACKSON LEE. Mr. Speaker, yesterday, I got buoyed in a little dance step in my walk, not because of partisan politics, but because people in America voted. They voted throughout the Nation and they made sizeable changes, not even on partisan politics, but what I love, about principles. Principles of rejecting divisiveness, the misinterpretation of the Constitution, and the wonderment of this Nation is what these voters stood for.

I also believe they recognize that they wanted direction that really worked for them. If we pass the tax bill, they didn't want it to be a tax scam where millions of middle class Americans would pay an increase in taxes or they couldn't deduct their medical expenses or student interest rates.

The vote yesterday was for a new direction, not for any of us to take it for granted, but for us to recognize that it is time now for the American people to lead. I am so grateful for the democracy of this Nation and for the values of the American people. They made a difference yesterday. Thank you for voting.

POLAND CELEBRATES 99TH ANNIVERSARY OF INDEPENDENCE

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

Ms. KAPTUR. Mr. Speaker, on November 11 in this year of 2017, the nation of Poland will celebrate its 99th anniversary of independence.

To commemorate this historic event as well as to recognize the values the United States and Poland have shared since the 1700s, I rise along with my fellow co-chairs of the House Poland Caucus to introduce this bipartisan resolution.

As early as 1791, Poland adopted the first constitution in Europe based on America's Democratic principle of liberty. Poland became the first nation in Europe to outlaw serfdom. As a result, Poland was tragically removed from the map of Europe for over a century-and-a-quarter, divided and split between three imperial powers: Russia, Prussia, and the Austro-Hungarian Empire.

Nevertheless, valiant Poles did not give up their values, but they kept

alive the free spirit of Poland during foreign occupation and tyranny for a century-and-a-quarter. Then, in 1918, with the help of President Woodrow Wilson following World War I, they triumphed in bringing their nation back onto the map of Europe in the form of a republic.

Today, American and Polish military cooperation through NATO is critical to defending the spirit of liberty. Let this resolution serve to reaffirm the close bonds between our two great nations.

ENCOURAGE CONSTITUENTS TO SIGN UP FOR A HEALTH PLAN

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

Ms. JAYAPAL. Mr. Speaker, in Burien, Washington, tomorrow, we will be holding an event to provide constituents information on signing up for healthcare coverage under the Affordable Care Act.

With open enrollment season beginning last week, I want to make sure that residents of our district know that they have until December 15 to sign up. And while the Republican majority has been undermining the ACA at every turn, the numbers that are coming in tell a completely different story about how important this act is for thousands of Americans across the country.

More than 200,000 Americans chose a plan on the first day of open enrollment, which is more than double last year. This is all on top of the more than 1 million people who visited healthcare.gov, the official Federal website; a one-third increase in traffic from 2016.

Mr. Speaker, our State exchange in Washington State has reported a 19 percent increase in visits from last year. The surge in enrollment is promising and it is a clear repudiation of the Republican's efforts to strip healthcare from millions across the Nation.

Mr. Speaker, I urge my colleagues to spread the word about how their constituents can get covered.

PROVIDE MORE FOR FEMALE VETERANS

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

Ms. GABBARD. Mr. Speaker, female veterans represent the military's fastest-growing population with an estimated 2.2 million women, including 14,000 in my home State of Hawaii, who have served our country. Yet, when these women come home or transition to civilian life, they are still facing a VA that was created by and for men and is ill-equipped to understand and serve their unique needs.

Women veterans have lower rates of access to the VA than men, but face higher rates of post-traumatic stress disorder, military sexual assaults, unemployment, and homelessness. We have a responsibility to take care of all of our veterans when they return home, and to make sure that they are getting the best care and benefits that they have earned and deserve.

In recognition of Veterans Day, we must fix this and pass the Deborah Sampson Act to eliminate barriers and improve quality of care and services, and empower our female veterans alongside our male veterans.

I urge all of my colleagues to pass this legislation to address the glaring gender disparities at the VA and to ensure that our women veterans receive the services that they have earned and deserve.

BILLIONAIRES-FIRST TAX BILL

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

Mr. NORCROSS. Mr. Speaker, I am here to speak about the Republican's billionaires-first tax bill.

Mr. Speaker, the Tax Policy Center determined they will raise taxes for approximately 38 million middle class households. Americans agree that we need more jobs, higher wages, and lower taxes. But the Republican bill rewards billionaires, prioritizes corporate profits, and hurts working families.

It is welfare for the wealthy paid for by the hardworking middle class American. It fails the President's own Trump test, which says their tax plan would not benefit the wealthiest of us. Guess what. It does.

Worst of all, New Jersey families suffer the most. The bill guts the critical State and local tax deduction. That means one-fourth of all New Jerseyans will be paying more taxes.

Why should billionaires receive tax relief instead of New Jersey's middle class families?

Americans must reject this billionaires-first, bloated, backwards bill. It will do nothing to raise wages or bring real relief for working families.

□ 1745

PUBLIC HOUSING IMPERATIVES

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

GENERAL LEAVE

Mr. ESPAILLAT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. ESPAILLAT. Mr. Speaker, I stand here today to shed light and to put a face on an imperative issue, the imperative issue of affordable housing. I am here representing neighborhoods like Marble Hill, Inwood, Washington Heights, Hamilton Heights, Morningside Heights, Harlem and east Harlem, and the northwest Bronx.

Public housing and public housing capital funding is imperative for many of my constituents. Just to shed some light on the magnitude of this problem, Mr. Speaker, in the 13th Congressional District, there are 62 housing developments—62 public housing developments.

There are a total of 340 buildings, and, within those buildings, there are 34,609 apartments where families live; so 62 housing developments out of 326 for the entire city of New York, 340 buildings out of 2,462 buildings in the city of New York, and 34,609 apartments out of 176,692 apartments across the city of New York.

In fact, Mr. Speaker, public housing houses over 400,000 residents. It is larger than many cities in many States across the Nation, and public housing capital funding is imperative and necessary for my constituents.

Not only do these residents rely on stable, affordable housing to stay close to their families and be near their jobs and schools, but our city relies on these residents who are also teachers, home healthcare workers, caregivers, and taxi drivers. They run our city. In fact, they are an integral part of the economic engine of the city. They are part of our local economy. They fuel our economy on a daily basis. Mr. Speaker, these folks really represent the economic engine of New York City.

As you will hear from my colleagues, affordable housing—public housing—and its residents are under threat. After a decade of funding reductions, the President's administration made one thing clear: they plan to drastically accelerate funding reductions for HUD. This turns that housing agency, essentially, into an absentee landlord, into a slumlord, if you will, administrating public housing developments across the country that are in decrepit and seriously embarrassing conditions.

The administration's fiscal year 2018 budget proposal revealed a $7.6 billion cut, almost a 20 percent cut to HUD, and a two-thirds cut to public housing capital needs.

Now, New York City has a need of $17 billion to do point work, roof work, boiler work, and elevator work to improve the quality of life of the residents of these housing developments. Yet the administration has proposed a $7.6 billion cut. This is a national crisis, an affordable housing national crisis.

We have Members from California to Texas to New York who all believe that affordable housing should be at the forefront of our progressive priority. It is a fundamental cornerstone of the American Dream that we cannot afford to let slip away.

Mr. Speaker, I yield to the distinguished gentlewoman from the State of Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me give my greatest appreciation to the gentleman from New York, who will remain at the podium as he has yielded to me, and to thank him for the leadership that he has given to so many issues.

Mr. Speaker, I want to thank the gentleman for the leadership work that he took to Puerto Rico that will need housing, and the U.S. Virgin Islands that will need housing. The neighborhoods that he has just mentioned, I am quite familiar with. I know those neighborhoods in New York. I have relatives in New York.

But I also know the neighborhoods in Texas, and I know the public housing developments. I want to join the gentleman in that terminology because, remember, it used to be the projects. But we know that public housing developments are where people live. It is where they raise their children. When you have a home in the public housing development, it needs maintenance, elevators, window reinforcement, hallways cleaned up, painting done, and, yes, debugging, and brick-by-brick repair, or it may be a new addition.

All of my life, I have met my classmates in public, elementary, and middle school, and they live in the housing developments, many of whom I could go back to, and they are doctors, lawyers, teachers, business persons, and Congresspersons. They are upstanding citizens. But we also know that they have said to us that you have allowed these public housing developments to deteriorate so that children of families who live there now may be subjected to violence and drugs, and it is not their home.

Let me tell you why we are in that predicament.

Right now, as we speak, they are marking up the tax scam. If you look at this pie, you will see that it will be impossible for any moneys to go for public housing or affordable housing because 80 percent of the tax cuts will go to the 1 percent. That means that we will lose $1.5 trillion in revenue.

What Congressman ESPAILLAT is talking about is that we will be losing and will not be able—as the budget that was passed evidences with $2.4 trillion in cuts in domestic discretionary spending, it will not allow the work that we are calling for today: reconstruction, new build, rehab, repairs, and adding to the housing stock in America for our people who are in need.

Let me show you this. It may not be exactly in our neighborhood, but it shows you what happened in a disaster. This is a house, or a place where people would be in a house. I could go to Texas after Hurricane Harvey and find houses in this condition. I could go to Port Aransas or Rockport. I can go to Third Ward or northeast Houston.

In our community, Mr. Speaker, we have what we call blue tarps after the hurricane, and they stay on because people are in houses that they cannot afford to repair. They need affordable housing.

Do you know what? They want to live in historic neighborhoods like Fifth Ward where Barbara Jordan grew up, Sunnyside, South Park, Third Ward, Acres Homes, northeast Houston, and Independence Heights, but they need housing.

So I join the gentleman in saying that this is a travesty. This is a disgrace. We need funding for affordable housing. Hurricane Harvey has made it even more disastrous because there are people in housing now right in my district—and I hear you in northeast Houston where the walls are pulled out and the mold is on because they need affordable housing. They need Section 8 vouchers and clean housing.

Mr. Speaker, let me tell you about the affordable housing and public housing. I have lost 112 units through Hurricane Harvey in condemnation, and I may lose more out of a total of 201 in one particular two-story area of Clayton Homes; and then 2100 Memorial, we are fighting to not lose the housing that is needed there.

So I want to join and thank the Congressional Progressive Caucus and thank the gentleman for leading this Special Order. I want to make sure that I keep this picture up for America to know that unless we fight against these dastardly cuts, whether you are in a disaster area and have lost your home; or whether you are in a city like New York and are facing the deterioration of public housing, or the elimination of units taken offline; or whether you are in Houston, Texas, under the Houston Housing Authority and you are losing units, the cry is for the families of America.

Who do we care for? Some of them are families of Active-Duty soldiers. Some of them are families of veterans. So I would join the gentleman in crafting and working on stopping the bleeding of losing affordable housing for the many millions of Americans who need it and welcome it, and for the millions of children who deserve it.

Mr. Speaker, I thank the gentleman for yielding to me, and I thank him again for his leadership.

Mr. ESPAILLAT. Mr. Speaker, I want to thank the gentlewoman from Texas for her eloquent remarks regarding this pressing need, this national crisis of housing.

Let me just share with you some other numbers that will further ensure that the American people understand in full depth this crisis.

In my district, as I said earlier, there are 75,463 residents of public housing out of 400,000 citywide. There are 34,035 NYCHA families in the district out of 174,283 citywide. Twenty-five percent are children who are subject to mold like you see right here on this easel, Mr. Speaker, mold that contributes to asthma and to other respiratory diseases that then lead to absenteeism in the schools and long-term problems for young people and children who live in these public housing units.

In addition to that, Mr. Speaker, 21 percent of the residents of these housing developments are seniors over 62 years old who are also subjected to mold, chipping paint, and elevators that don't work. They have to go up and down 18 or 20 stories. Some of them are in wheelchairs or have some real challenges getting around. Yet the Federal Government and its Department of Housing and Urban Development, HUD, continue to be an absentee landlord abandoning them to their own fate. Fifty-two percent of those residents, Mr. Speaker, are on fixed incomes, and 46 percent across the city have an employed family member. So these are the numbers that are very telling to this national crisis.

The reduction in capital funding which leads to the deterioration of buildings' roofs and facades, failure of boilers, leaks, mold like we see right here, and other unacceptable conditions are devastating to my constituents, and they contribute to a public health crisis, asthma, respiratory disease.

Americans need a better deal for housing. As we continue negotiations on the fiscal year 2018 appropriations and the administration prepares the fiscal 2019 budget proposal, we need to ensure that public housing is adequately funded.

□ 1800

Sufficient capital funding is imperative for my district and the country, and it ensures the creation of jobs through capital work.

Investing capital dollars in public housing repair would also yield employment in our communities. It also ensures the reduction of negative health outcomes and healthcare costs related to the deterioration of housing conditions. It also results in quality, stable housing for low-income Americans, which is one of the most important factors in the alleviation of poverty.

Americans need a better deal for housing. I hope that my colleagues remember the constituency that we serve, particularly the most vulnerable ones like the residents of public housing, and we continue to fight back against budget cuts. Growing the public housing capital fund must be elevated as a priority.

Mr. Speaker, I yield to the gentleman from California (Mr. GOMEZ).

Mr. GOMEZ. Mr. Speaker, I thank Congressman ESPAILLAT for leading this important Special Order.

It is no secret that many cities in our country face an affordable housing crisis. That crisis is particularly acute in California, as everyone in my State, from the Bay Area to Los Angeles to the Inland Empire, will tell you.

California is a desired destination for people from all over the world, many of

them skilled, tech-savvy young people who moved to California for our climate, culture, or commerce. This is especially true for my home city of Los Angeles, which boasts cultures and cuisines from all over the globe, allowing anybody to feel at home.

Unfortunately, the growth of affordable housing has not kept pace with the population growth. This disconnect has created a housing affordability crisis that is exacerbating economic inequality and forcing lifelong Angelinos out of neighborhoods they grew up in.

The lack of housing raises rents on working families, which, in turn, threatens the vibrant hubs of Latino, Black, and Asian culture throughout my district, potentially stripping these neighborhoods of their character that made them so unique and desirable to live in in the first place.

Our affordable housing crisis has left more than 400,000 households in the city of Los Angeles and 900,00 in L.A. County in what they call a precarious housing situation. A precarious housing situation means that the dwelling is substandard, families are doubled up, or they spend more than half their income on housing.

That is 1.3 million people in precarious housing situations, teetering on the edge of homelessness, one bad day away from losing the roof over their head. That is on top of 58,000 homeless individuals in Los Angeles County.

Simply put, the affordability crisis in California threatens our State's great legacy to provide economic opportunity for all.

In Los Angeles, we have seen that, when we target our resources to help specific populations, we get results and we save lives. In 2015, L.A. City housed more than 15,000 people, including 2,600 veterans and 2,800 chronically homeless people, more than any other city in the country.

Despite the historic housing shortage and a staggering mental health crisis, my city has proven that policymakers can tackle this problem if we have a coordinated effort at the State, local, and Federal levels.

L.A. is stepping up. So is the State of California. L.A. passed measure HHH, which is $1.2 billion to help individuals who are homeless. The California State Legislature passed 15 housing bills and a $4 billion bond to be on the ballot in 2018.

But we can't do it on our own, and we don't need the Federal Government to undermine our efforts by undermining their role and responsibility at the Federal level. Unfortunately, our Republican-led Federal Government doesn't believe in being a good partner and doesn't believe in combating unaffordable housing and homelessness. They have chosen to starve vital agencies like Housing and Urban Development and zero out funding for agencies such as the Interagency Council on Homelessness.

Cities like L.A. and States like California need responsible Federal partners to tackle issues like homelessness so they can make tough choices and make sure we have a housing situation that serves all people. That starts with actual Federal investment in projects and programs that help people, not just the rich. That is why the Republican tax cut plan is such a sham and deserves to go back to whatever dark corner of Republican dogma it came from.

As it stands right now, the Republican tax plan would cut the production of affordable housing in half by eliminating multifamily, tax-exempt housing bonds. It would also repeal the 4 percent tax credit and provisions authorizing the use of tax-exempt private activity bonds. Taken together, these provisions account for 50 percent of all affordable housing production and would make our affordable housing crisis even worse.

Republicans in Congress only claim to care about giving States the power to pursue their own policies. It would be great if their actions matched their words and they actually worked with our great cities and States to address important problems instead of making them worse.

I ask for all of you to consider that any tax plan not exacerbate the housing crisis in our country.

Mr. Speaker, I thank Representative ESPAILLAT for leading this important Special Order.

Mr. ESPAILLAT. Mr. Speaker, earlier, I talked about some of the proposed budget cuts that HUD has brought forward for this fiscal year. Let me tell you, the American people, what some of the programs are that will be negatively, adversely affected by these cuts on a daily basis.

Section 8, a program that provides rental assistance to help low-income individuals and families, more than 125,000 households in New York City's NYCHA complexes depend on Section 8 vouchers, 39,000 of which are administered by the city's HPD Department. Approximately half of the voucher recipients are elderly and disabled.

Community Development Block Grants help the city enforce housing quality standards. More than half of the city's Community Development Block Grant allocations support housing quality standards funding; 500,000 inspections have been conducted, 8,000 emergency repairs, 16,000 housing litigation cases, and emergency shelters for 1,000 households, just in 2016.

The Low Income Housing Tax Credit, nationally, 90 percent of the affordable housing is financed through the Low Income Housing Tax Credit. The Low Income Housing Tax Credit and tax-exempt bonds have helped create and preserve over 116,000 safe, quality, affordable homes in New York City.

These programs will be compromised and lead to apartments with mold, chipping paint, leaky pipes, dysfunctioning elevators, failing boilers, and leaky roofs. So this is a major national crisis.

Let me share with you some of my constituents' stories. Now that we have talked about numbers, let's talk about what these numbers mean and who they impact.

Let's talk about, for example, a lady named Maria Pacheco, who has lived in the UPACA 6 development for 12 years. She is retired from working at the stock market. This is what she had to say about the importance of making capital improvements to her public housing building:

> If NYCHA fixes the entrance doors and the walkway in front of the development, more seniors would be able to get out of their apartments more often. There are a number of seniors who do not come out of their apartments because they are not able to open the entrance doors. Those doors are really heavy and the walkway is dangerous, and a lot of seniors fear they will fall.

Maria Pacheco needs a better deal in housing from Congress. Seniors are too afraid that they will fall.

During Secretary Ben Carson's listening tour—by the way, Mr. Secretary, New York City is still waiting for you to see our public housing complexes and the conditions that they are in—during his so-called listening tour, this is what he had to say to a development in Columbus, Ohio, that is partially funded by HUD: ''Compassion means not giving people a comfortable setting that would make somebody want to say: 'I'll just stay here. They will take care of me.' ''

Mr. Secretary, ''a comfortable setting,'' you said. Public housing often lacks consistent heat and hot water. That is far from being comfortable.

Public housing elevators often break down. That is far from being comfortable.

Public housing often has no heat and hot water and mold on the wall. That is far from being comfortable.

I think my constituent Birdie Glen, age 78, who lives in the Jackie Robinson Development with her husband and great-grandson would disagree with you, Mr. Secretary. She is retired from the Department of Education, and this is what she had to say:

> If they fix the boilers in the Jackie Robinson Development, the residents would be more grateful and appreciative. The lack of consistent heat and hot water has caused a lot of the residents to get sick. Adults as well as children have been visiting the doctor's office more frequently due to getting sick because of no heat and hot water.

This has become a public health crisis as well. During the winter months, residents experience more illnesses in the Jackie Robinson complexes because the boilers need to be replaced.

Another resident, Felicia Rodriguez, 70 years old, who lives in the Gaylord Houses, says:

> In my 2 years living at Gaylord, I have experienced severe flooding, water damages in different areas of my apartment. If we had repairs and upgrades in our development, we will value our homes and neighborhood. We need to ensure we get the repairs completed in a timely manner to avoid further damages to our infrastructure.
>
> Gaylord has significant leaks due to the pipe damage, brick gaps, roof damage. These problems affect our health, our hygiene, and

economic issues for many seniors in Gaylord development. By making major roof and brick repairs at Gaylord White Houses, we will eliminate leaks, flooding, and damage to the top floors of these apartments.

This is a public health crisis.

Let's talk, Mr. Speaker, about public health and mold.

In every city, there is an aging public housing development complex, and a lack of investment for decades means that many buildings pose great, great health risks to the residents. In New York City, a majority of NYCHA buildings are more than 60 years old. Public housing authorities have endured decades of Federal disinvestment. For many, a lack of affordable funds means that repairs have spiraled out of control. Some units are so damaged that they cannot be lived in.

Citywide, there are 2,300 NYCHA units that are vacant, and many need extensive renovations to become safe homes again. Not only is the lack of Federal investment hurting the number of public housing units available, but vacant units almost always make public housing less safe for current residents.

Speaking to DNAinfo, Jisele Hearne elaborates how vacant units make the Harlem River Houses less safe: ''Of course, we are worried. Anyone can come in and you don't know what they are going to do. They can . . . leave the gas on. It's not safe living someplace where nobody is monitoring.''

Harlem River Houses has been plagued with mold for many years, and units on the top floors have remained uninhabited.

Mold affects 328 NYCHA properties, and the situation has only worsened after Hurricane Sandy. That was in 2012. We need capital investment not just to eradicate the appearance of mold; we need to address the root cause of that. We need to replace leaky roofs, crumbling pipes, and all ventilation systems to make sure the mold is gone forever, for good.

□ 1815

The health of children, families, and seniors is at stake. The CDC reports that exposure to mold can lead to coughing, wheezing, eye and skin irritation in otherwise healthy people.

For small children, exposure to mold may lead to asthma, leading to absenteeism in the schools. For vulnerable residents, such as seniors or small children, mold may lead to much more serious medical conditions.

The government is the landlord of public housing complexes across the country, and we cannot expect public housing residents to deal with conditions that would be deemed unacceptable in the private market. It is our solemn duty to make sure that public housing residents have homes that allow them to lead healthy and productive lives.

If we can afford to spend $1.75 million remodeling one unit in public housing—that is the White House that I am referring to, which is public housing. If we could spend $1.75 million to renovate the most expensive public housing unit, the White House, then surely, Mr. President, we can afford to guarantee safe homes for public housing residents.

If President Trump can spend $291,000 on office walls, then America's 1.16 million units of public housing should have walls free of mold, like the one we see right here, and other safety hazards. Unlike the White House, residents of public housing cannot afford lavish renovations. They depend on us, and we must not fail them.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), my distinguished colleague.

Ms. LEE. Mr. Speaker, first let me thank Congressman ESPAILLAT for yielding and for his tremendous leadership and advocacy to ensure that our communities have access to affordable housing, regardless of their income, regardless of their background. I want to thank the Congressional Progressive Caucus and him for leading this Special Order tonight because it is so important that the public really understand the issues that we are dealing with here in Washington, D.C., on behalf of the American people.

Tonight, of course, we are calling on the Trump administration and our colleagues across the aisle for greater investments in affordable housing, including in public housing.

Affordable housing should be a basic right. No one should have to choose between placing food on the table or paying their rent, especially not in the wealthiest country on Earth. Sadly, right now, our country is in the midst of an affordable housing crisis. Half of all families in this country are forced to spend more than 30 percent of their hard-earned income on housing.

Over 38 million families struggle to pay rent and put food on the table every day because they pay more than one-third of their income on housing. Right now there are only 12 counties in the entire country where a minimum-wage worker is able to afford a modest two-bedroom apartment.

Simply put, the housing crisis in America has reached epidemic proportions. It is really a state of emergency. Nowhere is this epidemic more evident than, for example, in my own district. The average renter in Oakland, California, for example, would be forced to spend a staggering 70 percent of their income on housing if they were to move today—70 percent—and many are being forced out.

In Oakland, the number of homeless individuals increased by 25 percent this year to more than 2,700 people. In all of my county, Alameda County, the homelessness population has increased by nearly 40 percent in the last 2 years to more than 5,600 people.

Now, these people have settled into encampments with all of their furniture and belongings across the streets of cities in my district. It is unconscionable and devastating that this un-American reality persists across the country.

Yet, instead of working to address this crisis, Republicans have slashed funding, mind you, for housing assistance programs to their lowest level in 40 years. In the Republican fiscal year 2018 budget, there are over $200 billion in cuts from programs that everyday families depend on, like SNAP, agricultural subsidies, and housing assistance.

What is worse, the Trump budget slashes the budget of the Department of Housing and Urban Development by nearly 15 percent. The Secretary of HUD, I guess, supports this, which is mind-boggling because he is charged with developing housing strategies so that everyone can have decent, affordable housing. To cut it by 15 percent makes no sense.

This endangers the livelihoods of millions of low-income seniors, people with disabilities, families with children, veterans, low-wage workers, families living with HIV and AIDS, which they all depend on affordable housing programs.

Our Progressive Caucus colleagues and I are here tonight to say that, really, enough is enough. We demand affordable housing for every person in our Nation, regardless of who they are and where they live, and we are not giving up.

Earlier this year, I introduced a renters' bill of rights. It is H. Con. Res. 74, which affirms that all renters have the right to safe, decent, and affordable housing. It calls for greater enforcement of antidiscrimination laws that protect communities of color from burdensome regulations. It calls on Congress to increase funding to protect every American's right to livable and affordable housing.

So as a member of the Appropriations and Budget Committees, I am committed to advancing the American Dream for all, and that is affordable housing. People deserve to have a decent and safe place to live to raise their families.

So to everyone across the country who worry about paying rent or whether they can finally, at the end of the day, buy a home, I say: Keep raising your voices and keep bringing what we call street heat to defend your communities, because you have got allies in the Congressional Progressive Caucus. You have got them in this House of Representatives, especially Democrats. We are not going to give up fighting for you.

I want to thank Congressman ESPAILLAT for holding this Special Order tonight because I think the public, given this crisis—and it is a crisis, it is an epidemic, it is an emergency—people need to know we are here fighting for them, and we are going to continue fighting until everyone in America has a decent, safe, and affordable place to live.

Mr. ESPAILLAT. Mr. Speaker, I want to thank the gentlewoman from

the State of California for her eloquent words.

Mr. Speaker, I would like to highlight another factor that contributes to the problem of the lack of affordable housing, and that is the decreasing affordability crisis in New York City.

Historically, New York City was built on inclusivity, and it is here that people from all walks of life come in and they coexist. It is this diversity that contributes to the success of this great experiment called America, this great experiment called New York City. It is young people moving here from Tennessee and immigrant families from the Dominican Republic, like my family, for their own American Dream right here in New York City. And New York City's success is one piece of the national picture of urbanization.

This enormous change in cities across the country includes an influx of more people, often young and from diverse backgrounds. This means we need the visionaries in expanding our housing supply, especially our affordable housing supply.

Mr. Speaker, that is why we are here today, to highlight on this national crisis of a lack of affordable housing. America has a housing crisis—an affordable housing crisis. Working and middle class New Yorkers have felt the brunt of fewer options available on the market.

Countless middle- and low-income families cannot afford to live in the neighborhoods they have known their entire lives. They must give up living close to jobs, schools, familiar neighbors, and everything else that defines their community.

The very foundation of our city is threatened when households must make difficult choices between basic necessities and rent. That is truly a fight for the soul of our neighborhoods, our cities; and they are often forced to leave these houses and communities.

This is not a crisis that affects only a few. It impacts many New Yorkers. Sixty-nine percent of New Yorkers rent their homes, and nearly half of renters struggle to pay rent every month. Many are one unexpected bill away from debt or eviction.

While this situation is dire for those struggling to pay rent in their apartments now, there are virtually no options for low-income New Yorkers. Minimum-wage workers will need to have three full-time jobs or work at least 119 hours per week to be able to afford a two-bedroom apartment at market rate.

Not only is it physically impossible, but we should not ask that of workers in our city. The crisis of affordability nationwide will not vanish if ignored. So long as New York's economy is thriving, rents won't plateau or fall on their own. Developers will continue to eye aging buildings for redevelopment and build new luxury apartments. Rather than leave the creation and preservation of affordable housing up to chance or whims of the market, we must be intentional about funding affordable housing.

We already have a housing stock of 176,000 units of public housing in New York City alone. That is the lifeline of hundreds of thousands of residents, but it is in dire need of investment.

If we care about diversity and care about inclusion, we must put our money where our mouth is and we must repair and preserve public housing for a future of increasingly expensive cities.

Another aspect of the lack of affordable housing and the income gaps affecting New York City is the dynamic of gentrification. Mr. Speaker, I have the distinct honor of representing Harlem, which recently was—there was an attempt to change its name to SoHa by speculators, people who want to turn Harlem, a traditional iconic neighborhood of New York City, into something else.

There are Harlems in every State across the country. There are Harlems in every country around the world. Harlem is a personality. It is an attitude. Harlem is for those who feel that perhaps they don't have a voice but they want to fight to get to another level. That is Harlem. It is a spirit.

Harlem, which, during the latter half of the 20th century, was plagued with crime and abandonment, is now falling victim to its own success. Rents have risen and many long-term residents have been displaced.

The same is happening in Washington Heights, Inwood. Neighborhoods that saw over 100 homicides every year and that now are down to low single digits are seeing a dramatic increase in rent and affordability; and many folks who have been living there for decades, like my family, are now having to make tough choices of whether they remain in the neighborhood that they love or have to move somewhere else.

Even among those who remain, they still face additional challenges because the neighborhood they have known for so many years now feels unfamiliar. For many, the fear of displacement is ever-present.

Mrs. Gwen Walker, a resident of the General Grant Houses in Morningside Heights since the 1950s, was speaking to The New York Times when she shared her thoughts on displacement, saying the following: ''But the feeling is, 'What am I going to do? Where are we going to go?'''

Gentrification was a frequent topic of conversation among Mrs. Walker and her neighbors.

So I continue to highlight the fact that not only do we have a public housing crisis, not only does that lead to a public health crisis, but also the skyrocketing cost of living has created gentrification, has made it very difficult for working people—the engine of the economy of the city—to make ends meet.

These residents are worth protecting, and low-income New Yorkers should not be pushed aside every time a speculator or developer thinks that a building, a block, or a neighborhood could be worth more money.

For neighborhoods that have already gentrified, public housing is the only standing thing between them and displacement. They are the lifeline for many tenants, and unlike market rate housing, they will not raise rent on their residents when the neighborhood improves.

This is paramount. This is paramount for many low-and fixed-income New Yorkers because they are not further burdened for not abandoning their homes.

□ 1830

And the displacement continues to occur in New York City, Madam Speaker. It is a harsh reality after tenants on the private market are evicted, bought out, or cannot afford a rent increase. After losing their home, families have few choices. Some families end up in overcrowded apartments, if they are lucky, living with another family member or living with a stranger.

David, who is a Mexican immigrant, lives in Washington Heights. He lives with 12 other people in a 750-square-foot section of the basement. Another 14 people live in the other half.

He explained, speaking to New York Magazine, that, for $100 each, they get 40 square feet, a children's bunk bed, and a refrigerator salvaged from the trash. Their basement is hard to move around in and impossible to walk anywhere but to the leaking bathroom down the cramped hall or to the small living room with the scavenged sofa. The basement costs David and his 27 roommates almost $3,000 a month.

This is not an uncommon experience. Citywide, two-thirds of all Mexicans live in overcrowded conditions. David described his journey and realization of what living in New York City would be like for him:

> From the airport, I went to my brother's place in Washington Heights. He was living with his child and pregnant wife, along with another couple and their kid—six people. I was the seventh. In only one room.

America should know this: there is a public housing and affordable housing crisis across the country, and HUD proposes to dramatically cut the programs that guarantee the services for this housing.

David also experienced the loss of his home and an understanding that his place in the city is always vulnerable.

This is all happening, Madam Speaker, while Republicans continue to devise, to plan, premeditatedly, to plan their tax reform that will give the rich, the 1 percent, a handsome tax cut while punishing the middle class and working class sectors of America.

There is only one unit of public housing that is worth over $390 million, Madam Speaker, and it is the White House. The White House does not have mold. The White House does not have crumbling pipes. The White House does

not have severe water damage or asbestos because the White House is not plagued by disinvestment.

President Trump does not pay rent, and he is not in danger of being priced out of his neighborhood. And yet President Trump and congressional Republicans are proposing to strip cities of their ability to create and maintain affordable housing for those who most desperately need it.

The Ryan-McConnell tax bill is a lie that is being sold to the American people as a promise, a promise that claims that everyday Americans will benefit and see more dollars in their pockets. But it is a scam; it is a shell game; and it will make richer the rich and leave everybody else behind.

The proposed tax plan eliminates funding for low-income housing tax credits, which are responsible for many affordable developments. The need for affordable housing is ever growing, and the low-income housing tax credit must be expanded, not eliminated, to keep up with demand. For New Yorkers, every dollar in their paycheck matters when it comes to being able to pay rent.

Removing the State and local tax deduction, called SALT, places an unfair double tax on State residents. States who choose to provide high-quality services through taxation will be unfairly punished. This unjust punishment will be felt mostly by those who live paycheck to paycheck.

In some neighborhoods in New York City, residents spend as much as 80 percent of their income on housing and transportation. Removing the State and local tax deduction means that families who already make tough decisions about food, rent, and other bills now have fewer dollars in their pockets to make those decisions.

For families that have saved up enough to participate in the American Dream of owning their home, they no longer will be able to use the mortgage interest tax deduction to help them finance their homes. For many hopeful families, eliminating the mortgage interest tax deduction closes the door to that opportunity.

The low-income housing tax credit, the State and local tax deduction, and the mortgage interest tax deduction are the foundation from which we can build affordable communities. We will not give in to the GOP tax scam; we will not play in a shell game; and we will not give billionaires even one more dollar. America deserves a better deal.

Madam Speaker, I close by saying that, in my home State of New York, the Empire State, and particularly in my district, for the last 75 years, it has been represented by two giants: first, by the late and great Adam Clayton Powell, Jr., who made history right here in these Chambers; and for the last 46 years, by the ''Lion of Lenox Avenue,'' Charles B. Rangel.

Underfunding of affordable housing in that district starves public housing and is compromising the health of public housing residents. HUD's capital backlog of $26 billion cannot be added to. We must be responsible and take hold of this challenge.

For the public health of our constituents, to preserve the American Dream, I urge my colleagues to vote and make affordable housing a priority.

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

The SPEAKER pro tempore (Ms. TENNEY). Members are reminded to address their remarks to the Chair and not to a perceived viewing audience.

FOOD SECURITY IN AMERICA

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

GENERAL LEAVE

Mr. THOMPSON of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of this Special Order.

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

There was no objection.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today as the vice chair of the House Agriculture Committee and chair of the House Agriculture Nutrition Subcommittee.

We are currently working on a farm bill, and the farm bill has legislative policy that really has multiple purposes. One is to make sure that Americans have food security, they have access to affordable, high-quality, and safe food. Also, though, it is just as much about making sure that we have a vibrant, rural economy, Madam Speaker.

Within the farm bill, there is the nutrition title. Tonight, I want to spend some time talking about the nutrition title and the importance of that nutrition title. Obviously, nutrition matters. We know the health benefits from getting access to nutritional food.

Madam Speaker, there is kind of a value I grew up with growing up in a rural community. Madam Speaker, I say that one of the worst parts about growing up in a small, rural community is, quite frankly, everybody knew your business. If you did something wrong, before you got home, Mom and Dad probably already heard about it. Now, I have to say that was the worst part.

The best part about growing up in a rural community is that everybody knew your business. And when a family had a need, whether there was a crisis of any type, an emergency, neighbors stepped forward. Neighbors helped neighbors. They stepped forward, whether it was support, love, financial support, food, physical assistance, whatever that might be.

And, for me, that principle, that value of neighbor helping neighbor is really what the nutrition title of the farm bill is all about. And the most appropriate place for the nutrition title and our nutrition programs is in the farm bill because, after all, there is not a calorie that is consumed within the nutrition programs that is not raised by a farm family someplace.

So this evening, we really want to take some time and zero in on what we call D-SNAP within the nutrition title. SNAP stands for the Supplemental Nutrition Assistance Program, Madam Speaker.

At one time, it was called food stamps. That was many years ago. That still gets tossed around. But it is really the SNAP benefits today. It is supplemental. It is assistance that comes after an individual or a family, whatever resources they put towards their own foods needs. Obviously, it is what their family can assist them with and it is what their community can assist them with, whether that is their church or another civic organization or, perhaps, a food bank.

We also have nutritional programs called TEFAP that provide food and food commodities to our food banks as well. That can be the subject of another evening to talk about.

Tonight, we want to talk about D-SNAP. Those are specific benefits that come at times of disaster.

We know that our country has been really overwhelmed with disasters. We have seen, obviously, hurricanes in the Texas and Louisiana area. We have seen hurricanes in the Florida and Georgia area. We have seen multiple hurricanes in Puerto Rico and the Virgin Islands. We have seen wildfires that have taken homes and lives, dramatic wildfires, intense wildfires, burning entire neighborhoods and communities in both California and Oregon, specifically.

So, this evening, I want to spend a little bit of time talking about those D-SNAP disaster programs. I am very proud about the programs that are authorized through the House Agriculture Committee, through the farm bill, through our work.

We are working on a farm bill right now. This next one expires in October of next year, 2018. But because of the rural economy, we feel it is very important that we do that ahead of time, and we are hoping to accomplish that soon, in the months to come. We will see how that works out.

We have got a lot of work to continue to do on it, but that is our goal. The rural farm economy, farm income, has been down by 50 percent for a number of years, so this would be a really positive thing for rural America to be able to accomplish this farm bill.

So tonight we want to talk a little bit about, specifically, food assistance for disaster relief, otherwise referred to as D-SNAP.

Madam Speaker, there is nothing more important than providing food

when people find themselves suddenly and often critically in need following a storm, an earthquake, a flood, obviously, a hurricane, a wildfire, or any other disaster emergency. It is hard enough if you have lost your home or you have lost your place of employment. You shouldn't need to worry about where your next warm meal is coming from. That is what our D-SNAP, or our food assistance for disaster relief, does.

I am very proud, as I started to say, of the Agriculture Committee and our role within oversight authorizing these programs. But I am also very appreciative of the very dedicated individuals who work at the United States Department of Agriculture and, specifically, the Food and Nutrition Service, referred to as FNS, under the leadership of the Secretary of Agriculture Sonny Perdue.

Over the past several months, we have had a number of natural disasters that everyone is well aware of. They have devastated parts of our Nation, from Hurricanes Harvey, Irma, and Maria to the wildfires on the West Coast. USDA's Food and Nutrition Service, FNS, has worked diligently to ensure that those impacted by these disasters have enough to eat.

□ 1845

Now, working in close coordination with the Federal Emergency Management Agency, or FEMA; our State partners; and volunteer organizations, FNS has not only ensured that individuals participating in our regular nutrition assistance programs continue to receive the nourishment that they need, but also that other populations affected by the disaster have access to the food.

Madam Speaker, under the authority that is provided through the farm bill, and specifically section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, through USDA, we are able to provide administrative flexibilities, including waivers for program requirements in cases of Federal major disaster declarations, which we have seen so many of those in the past few months.

We were able to provide technical assistance to State leaders in impacted areas to assist them to determine what flexibilities or waivers are best suited for the stage of the disaster at hand. Requests for waivers and flexibilities are submitted to FNS by State agencies. That is where the need is determined by when those declarations are made. For example, waivers for school meal program operations are requested by the State department that oversees the school meal program. And waivers from the Supplemental Nutrition Assistance Program, or SNAP, as we have talked about, are requested by the SNAP State agency.

So these flexibilities and waivers in food aid programs are provided at different stages in the disaster.

In just a little bit, we are going to talk about some of the different disasters we have faced in the States and how these programs that are made available through our work in the Agriculture Committee have really been there to serve our neighbors in need.

When a disaster is anticipated, an FNS best practice is to work with the State agencies and potentially impacted areas to determine what flexibilities are most needed.

Madam Speaker, some of these waivers and flexibilities, they range from early issuance of SNAP benefits; to SNAP automatic mass replacement; and extension of time to report food loss, food loss that was purchased with SNAP benefits, food that was supplemental to assist families and individuals in need; a SNAP hot foods waiver.

Normally, the food under the Supplemental Nutrition Assistance Program that is purchased, taken home, is nutritional food and prepared to be able to serve, and normally hot food purchase is not allowed.

When people have lost their homes, when they have lost those types of critical assets, and in the middle of that, being able to have that waiver to be able to go to where there is food that has been cooked, whether it is a convenience store, whether it is a fast food restaurant, although normally not a place that is approved for SNAP benefits, we recognize that may be the only warm food available, given when you are in the middle or immediately following a disaster, and so those waivers are provided.

Special Supplemental Nutrition Programs for Women, Infants, and Children, or the WIC program. FNS has the ability to grant flexibilities and substitutions in WIC to disaster-stricken States on items such as fluid milk, bread, juice, cheese, eggs, basic staples, for example, when regional demand and the supply chain disruptions are present.

Child nutrition programs. FNS allows for a number of flexibilities during disasters, such as allowing disaster-affected schools and institutions to provide meals to all children at no cost and to be reimbursed at the free reimbursement rate for a limited period of time when a geographic area is heavily devastated by a declared disaster emergency and where the normal processes of food provided in the home has been disrupted. All these things and so much more, Madam Speaker, are part of this.

We also have a disaster household distribution which is a part of the program. That is high quality, nutritious, 100 percent American-grown-and-produced food. USDA foods are distributed to food banks and other partner organizations.

In times of disaster, especially when disaster-affected populations do not have access to congregate feeding, in other words, coming together to be able to get their food, they are in isolated communities and/or grocery stores are not operating because of the disasters, a State agency may request to operate a disaster household distribution program, in which food banks and voluntary organizations utilize the household-size USDA foods, such as those offered in The Emergency Food Assistance Program, what we refer to as TEFAP, to build and distribute food boxes to families. And, of course, the Disaster SNAP that I made reference to. D-SNAP is one of many types of food assistance for disaster relief.

The D-SNAP is a streamlined version of SNAP that provides temporary—and that is important to understand—food assistance for households not currently receiving SNAP who are affected by a natural disaster. Areas with a Presidential designation of a major disaster with individual assistance are eligible to operate a D-SNAP. States have to request approval from FNS to operate a D-SNAP in such an area.

The timing of the D-SNAP varies with the unique circumstances of each disaster, but always begins after the commercial channels of food distribution have been restored so eligible families can purchase and prepare food at home.

D-SNAP programs are often paired with supplements for the ongoing caseload to bring their benefits up to a maximum amount.

Finally, of the food assistance disaster programs, the final one, just briefly, and the eighth one, is infant formula and food. USDA, through FNS, can make emergency procurements of infant formula and foods for 96 hours after a Presidential declaration and upon request by FEMA or a State agency. With these State agencies, local supplies of these products and similar items provided in FEMA's infant and toddler kits are typically utilized first before FNS receives a request for these products.

These are all examples of great programs. When American families are hit by these natural disasters to a significant level where Presidential declarations of natural disasters are declared, through the Agriculture Committee and mobilized through the United States Department of Agriculture, and the programs that we authorize under that agency, this is how neighbors help neighbors in need.

Madam Speaker, I thought I would just touch briefly on a few of the programs, some of the experiences of how American families have been assisted through these programs, starting with August 25, 2017, with Hurricane Harvey, where it struck Texas.

Madam Speaker, we are all familiar with the scenes as we watched the unparalleled, just Biblical proportions of rain, 5 feet of rain in just a number of days.

Texas was provided through this program, Supplemental Nutrition Assistance Program, or SNAP, a Disaster Supplemental Nutrition Assistance Program in 39 counties that were impacted by Hurricane Harvey. FNS also approved the State request to issue automatic supplements to ongoing SNAP households in 39 counties that

received a Presidential declaration of disaster for individual assistance. FNS approved the automatic issuance of 2 months of disaster supplement benefits.

On September 1, FNS, USDA, approved a policy to provide States with flexibility to serve Hurricane Harvey evacuees, States that had chosen to either serve evacuees through expedited SNAP rule or through the simplified program rules in the evacuee policy, people who have relocated from their homes.

Additionally, on September 1, they issued an automatic mass replacement of August SNAP benefits in 29 declared counties. These mass replacement benefits were issued to replace food that was purchased with August 2017 SNAP benefits but was all destroyed by the hurricanes, the rain, the flooding as a part of that natural disaster. That is just an example.

Additionally, Texas received a hot foods extension notice. That allowed the State's hot foods waiver request to allow recipients to purchase hot foods and hot food products prepared for immediate consumption with their benefits at authorized SNAP retailers. As I mentioned before, that is normally not a part of the SNAP program, but, given the recognition, an incredibly important part of that.

Another example of application with Hurricane Harvey in Texas, USDA, through FNS, approved Texas to operate a disaster household distribution program really to address immediate food needs. Packages containing USDA foods were distributed by local feeding organizations to over 23,000 households, beginning September 8, for up to 4 weeks.

Then there was a partnership as well, Madam Speaker, where Texas and the Salvation Army used USDA foods to prepare and serve 100,000 meals to those in need.

FNS informed Texas that it could use The Emergency Food Assistance Program, or TEFAP, USDA foods to provide meals at food pantries and food kitchens to people in need who couldn't reach larger disaster feeding organizations but who were able to gather at small local organizations. Those are just a few examples in Texas.

Madam Speaker, I want to fast forward to probably a month or so later, October maybe, because disaster comes in all shapes and sizes, and some of the devastating wildfires that we had, specifically in California, also reaching into Oregon.

Madam Speaker, I yield to the gentleman from California (Mr. LAMALFA). I am really pleased to be joined this evening by my good friend and colleague.

Mr. LAMALFA. Madam Speaker, I thank my colleague from Pennsylvania, Mr. THOMPSON, for yielding. I appreciate his efforts tonight in pointing out the nuances of the SNAP program and what it means in a disaster situation, such as what we have had all over the country in hurricanes, and even in my own backyard with the wildfires that we have been hearing about in the West in general, in my own district, where several have affected us very negatively, and adjacent areas of northern California and the wine country, indeed in southern California as well.

So the flexibility that has been needed, as we found in the SNAP programs through what is known as D-SNAP, which is Disaster and Supplemental Nutrition Assistance Program, has been very helpful to many in northern California and even southern California counties as well.

So when the California Department of Social Services requested the D-SNAP to be put in place, the Food and Nutrition Service did, indeed, grant that in several instances, including October, and more so in northern California, but in other instances as well in this case, indeed, as Mr. THOMPSON so well explained earlier in tonight's Special Order.

Due to power outages from the fires knocking out power, we have food loss and spoilage due to those power outages, as well as other instances, and even the ability for people to buy food. Maybe their home is okay, but they wouldn't have the markets available to them in their community to buy food that they need locally. So the D-SNAP program has given the flexibility and the ability to source it and have it available after these families have suffered losses, including the waiver for some folks who don't have the ability to produce and prepare hot food, where, in that case, families can have fairly normal meals in a time of crisis that is, indeed, a comfort for them and a positive that the flexibility of the program has made available for them.

So, indeed, destroyed homes due to fire, the power outages that have extended to so many areas and for so long have, indeed, caused these crises for families here. The flexibility of this program, as Mr. THOMPSON has pointed out here tonight, has been very helpful in that time of disaster and relief that is needed, and the compassion that comes from people helping each other in these times and these instances where we have had so much volunteerism, people stepping forward to help others in times of crisis, but you need that little extra push sometimes that this program can be helpful for.

So I appreciate the FNS stepping forward and approving what the California Department of Social Services has looked at as, indeed, worthy disaster relief that has been needed in these areas.

□ 1900

It wouldn't just apply to wildfires as well, where we have had so much hitting California this year, northern California especially. We had the issue of a possible flood and the crisis at Oroville Dam, when the spillway broke and 188,000 people had to be evacuated due to great concerns about additional failure of the dam.

So the ability to have this available, should the timing be right, and the qualifications for it being deemed that type of disaster, indeed is a comfort for a community when basic needs like putting food on the table during crisis after a disaster come into play; whether it is fire, as was declared here, or it could be possible flood and evacuations, things of that nature, that make this a good part of an integral part of keeping a community fed and together.

So I appreciate Mr. THOMPSON allowing me to speak here tonight and to be able to point out how this has worked in northern California during just this last month in these horrendous wildfire situations we have seen in so many counties. I thank the gentleman for leading this tonight and for his attention to this.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I appreciate the gentleman's leadership on the Agriculture Committee.

Really, I think sometimes we take for granted basic essentials, such as food. Normally, these programs are for people who are, for temporary reasons or economic reasons, unemployed, underemployed. We are trying to help give people a pathway to greater opportunity through job training and those types of things.

But when disaster occurs, your life changes overnight. So I am very proud of the work that we do, of the fact that we are there for all of our neighbors in both rural and urban America; when they find themselves in a situation where they are dealing with loss of a home, or the loss of a place of employment, or delays of going to work, or schools being closed, that we really are in a position to be able—they shouldn't have to worry about that next warm meal.

Natural disasters do come in all—we just talked a little bit about the wildfires. Certainly, Oregon also is a State that has been the scene of wildfires and, specifically, received FNS, disaster and nutrition assistance in the form of child nutrition programs, not just from the flames, but from the smoke, with advisories due to smoke advisories, qualifying air quality alerts, allowing for what we call non-congregate meal service, normally, through a summer food program, basically getting food out to those families, to those kids so that they are—you don't want to be traveling through that heavy smoke.

We are all too familiar with another form of natural disaster, and that is hurricanes. We have citizens on a wonderful island, Puerto Rico, that was hit by not just one but two hurricanes in a short period of time, Hurricane Maria and Hurricane Irma.

I am joined this evening by a friend and a colleague who represents all those many United States citizens living on the island of Puerto Rico, Miss

JENNIFFER GONZÁLEZ-COLÓN. I thank the gentlewoman for joining us this evening.

Madam Speaker, I yield to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN).

Miss GONZÁLEZ-COLÓN of Puerto Rico. Madam Speaker, I thank the gentleman, my friend, for allowing me actually to speak about what is happening in terms of the USDA—the Department of Agriculture—and all the food programs on the island in terms of disaster, as the gentleman was explaining, how these programs work with the disaster.

As we speak, Puerto Rico's still has 60 percent of the island without power. As we speak, less than 20 percent of our island is having actual running water, problems with communications.

The first thing people will say is lack of electricity. They will say the lack of a proper home, when you have got more than 60,000 homes that just lost their roof or even are having a lot of damages.

So in that regard, the nutritional assistance provided by the U.S. Department of Agriculture for disaster relief in Puerto Rico has been indispensable; it has been important. Actually, the continuous communication the Government of Puerto Rico is having with the Department of Agriculture has been the first time, I think, during a disaster in this magnitude.

We are living the 49th day after the hurricane. To make matters worse, for most of our people, the lack of power and the lack of water is just a fraction of the issues. I mean, we have still got a lot of schools that haven't returned to impart classes. So that means that you have a lot of kids in their homes without going to school, and a lot of several structural damages in the homes, businesses, communities, all around the island. The amount of flooding, roads and bridges that got serious damage or lack functionality is staggering at this time. So the nutritional assistance was a concern since before the hurricanes.

I need to say that I appreciate Secretary Perdue having a call with me and different conference calls regarding different programs. First of all, 9 of the 11 programs for disaster in the Department of Agriculture, in terms of the farmers, the territories, will never apply because we are not, in fact, allowed to apply. He made it happen. He used flexibility to allow Puerto Rico to access those programs in terms of the farmer disaster assistance, and I appreciate that.

That happens also with the USDA programs. The USDA officials have been in contact directly, not just with my office, but with the Governor of Puerto Rico, with the local officials since early on when this problem was hitting the island. As a matter of fact, I was in touch today with them regarding a lot of the problems.

I am also pleased with the inclusion of the disaster assistance for the Puerto Rican Nutrition Assistance Program in the second supplemental bill for the disaster relief that was approved here. However, we still need, of course, a lot of help. We still know that there is a long way to recover ahead of us.

Most of the challenges we are facing now are because of the lack of power, the lack of electricity. Our people are struggling due to not having access to their nutritional assistance benefits because there are still many stores that remain without power and they cannot process the benefits through the electronic benefits system.

If the benefits are not used, in the case of Puerto Rico, for a 60-day period, they are going to be removed from individual accounts, and then returned to the Nutrition Assistance Program.

So that is one of the issues we are still working with the Department: American citizens losing access to funds allocated for them to mitigate food necessities.

I would like to encourage the Department of Agriculture to take these difficulties into consideration and explore more avenues for remedial action, because I know nobody expected an island or a territory to be, after 49 days, without power. My people are helpless against the lack of electricity, yet they stand to suffer greatly because of it.

Additionally, the Government of Puerto Rico had to request two hot foods waivers to allow the purchase of hot foods using Nutrition Assistance Program benefits. The first one was graciously approved by the Secretary, and I hope the second one that has already been received will be also accommodated.

Saying that, I want to thank personally Secretary Perdue and all the people working with FNS, USDA, and the Department of Agriculture, who have been visiting the island, dealing with farmers, dealing with the local officials. Of course, I just request that the agency remains sensitive to the challenges that 3.4 million American citizens are facing on the island. For that, I am thankful, I am grateful.

Madam Speaker, I thank Congressman THOMPSON for allowing me to be here. I know this is not the first time that he is actually fighting for this. He has been a lone leader in that regard, and I want to join him in that effort.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I have to say it has been very impressive. In the middle of that hurricane, I know that I communicated with the gentlewoman by text, and she was what we call where I am from ''hunkered down.'' But she has been there for the people she represents every moment since. I mean, the gentlewoman was in the middle of that, and has been there, and has been reaching out and building relationships with individuals like Secretary Perdue and the staff from the Food and Nutrition Service, with USDA.

I know we were just in a hearing—the gentlewoman and I serve together on the Natural Resources Committee—and talked a lot about the power disruption and how that certainly impacts nutrition, but it impacts quality of life and everything. We take it for granted. We take it for granted.

So the gentlewoman's leadership to her constituents is just very impressive. They are fortunate to have her, and I am fortunate to be able to call her my friend.

I think we do have a friend in terms of Secretary Sonny Perdue—a mutual friend. He and the staff at the Department of Agriculture are really committed to serving our citizens, serving our families. They have been so proactive in these overwhelming natural disasters that have gone from coast to coast, and in the Caribbean, and just everywhere we turned around, and they were absolutely devastating.

So as someone who does serve on the Agriculture Committee, I take a lot of pride in the fact of seeing what we work on each and every day in terms of authorizing programs, to watch those get implemented and watch those really make a difference.

The gentlewoman had mentioned the hot food waiver, the first one being approved through October, November. With the power being out, I certainly would support the gentlewoman's request made to the Department of Agriculture to continue that. That is not something we normally do.

As I explained, we all know that normally, under SNAP, in particular, it is food that we purchase, and then take it home and prepare it. But if you are without electricity, that is pretty tough to do.

Miss GONZÁLEZ-COLÓN of Puerto Rico. It is difficult. I just rode out the hurricane down there. We never expect to experience something like this.

So this kind of program, the disaster program, is very important not just for territories, but for States. You will never know when something like this will happen to you.

The gentleman is thanking me, but you know what? I am receiving all these opportunities and help because I count on people like him to actually help me out, reaching the agencies, doing the amendments, and the votes that are needed to approve that kind of relief bill that was here. I couldn't vote for that. Even though I represent 3.4 million American citizens, I could not vote, but the gentleman did. So this is a team effort, and there is a long way to recover. I hope it is going to end here.

Again, I thank the gentleman for all he has been doing in the committee—in both committees, actually. I know we can, as a team, work out so the people of Puerto Rico may recover soon.

Mr. THOMPSON of Pennsylvania. Madam Speaker, can I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 19 minutes remaining.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I just want to mention—because I think we have talked

about the wildfires in California and Oregon. We have heard about the terrible—the one-two punch, actually, in Puerto Rico with Hurricanes Maria and Irma, and how these programs are stepped up.

I want to certainly touch on the other parts of our country where American citizens have been impacted as well.

□ 1915

While we are talking about Hurricane Maria, I think it is very important to talk about our U.S. citizens who live on the United States Virgin Islands.

This is an area as well where we have been able to mobilize under the authority of the work that we do, and in the Agriculture Committee through USDA. For the Virgin Islands Department of Human Services, we are able to receive a Disaster Supplemental Nutrition Assistance Program as well, in the districts of St. Croix, St. John, and St. Thomas.

This is obviously an island that has been devastated by Hurricane Maria. It makes it very difficult to deploy resources, especially in the interior of islands, but I really appreciate how the administration proactively anticipated the disaster was going to occur and staged resources.

As a former EMT, firefighter, and rescue technician, really to be able to pre-deploy, to be able to serve those American families—they were in a very difficult situation, and including the work of the tremendous staff at the Department of Agriculture, and the food and nutrition service, and Under Secretary Perdue's leadership, to be able to serve these citizens, that is an ongoing effort.

There is no doubt about that. Numerous aspects of our food assistance for disaster relief were deployed there, and we just really appreciate the efforts.

In the southeastern United States, actually in addition to Texas and in southwestern Louisiana as well, families and individuals in Louisiana felt the impact of Hurricane Harvey. They received a waiver to allow distribution in August of the Commodity Supplemental Food Program which are food packages that were distributed in 2017, and they were provided in an August food package, and a September food package. So there was assistance under Disaster SNAP as well there. That was Hurricane Harvey.

As we have heard already about Hurricane Irma, the tremendous damage that was done impacted individuals and families in both Florida and Georgia where we saw the supplemental assistance program, or D-SNAP, that was provided to eligible households. Some of the affected counties were able to receive 2 months of benefits to meet their food needs while they settled back home following the disaster.

FNS also approved an extension of the States' hot foods waiver, as you heard about earlier. Those waivers are an important part of what we can do to help people's lives be better immediately following and during the transition time for a temporary period of time following disasters. On September 14, FNS approved a request to begin disaster household distribution of 25 to 30 pounds of USDA food packages in those Presidentially declared disaster areas in Florida for a period of up to 4 weeks.

On September 22, several flexibilities requested by the Florida Department of Health were approved to assist schools and childcare centers, and sponsor organizations that were operating the Child Care Food Program, or CCFP, and those approvals applied to all 67 counties.

Of course, as we mentioned, that same disaster incident in the State of Georgia that was impacted has served families there, and individuals have been served by these programs. FNS approved the State's request to issue an automatic mass replacement of 45 percent of the September 2017 SNAP benefits because of food that was damaged, lost, contaminated, and needed to be replaced in 71 counties in Georgia that were destroyed due to the disaster.

FNS approved the State's request to extend the time period households had to report food losses through individual affidavits, giving that flexibility as a part of the process as well, as well as waivers applied to schools and residential care institutions that operated under the nutritional assistance programs.

Madam Speaker, these are just a few of the examples. We have heard a lot about disasters. We continue to hear about them. We have great first responders. We have resources, our military, our National Guard. All kinds of contractual resources have been deployed by the Federal Government, State governments, and territorial governments. Among those are these nutrition programs.

As we prepare to reauthorize the farm bill and to do that here, hopefully, by the end of this year, or the very beginning of next year, I think it is important to take the time to really understand what a difference these nutritional programs can make in the lives of average-day Americans who are facing extraordinary challenges and events in their life.

Again, the nutrition programs are normally about serving those who find themselves temporarily in economically challenging situations with the loss of employment, or underemployment, frequently because of no fault of their own. And this supplemental nutrition assistance is to help them get by. We are also trying to work to make sure we provide some pathways to greater opportunity for those who perhaps would benefit from what I like to call skills-based education to help them get a better job and more resources for the family, to be able to take care of these needs independently on their own.

But there are individuals who find themselves chronically in need, perhaps, because of a significant disability, who need to be able to know that those programs are there, and to rely on them. Then there is another group that we have talked about this evening, those who wake up one morning or in the middle of the night and find that their lives have changed dramatically, at least for the time being, because of national disasters.

Madam Chair, I really appreciate the opportunity to be able to speak on these issues, and I was very pleased to be joined by a couple of my colleagues this evening.

Once again, under general leave, I am going to be submitting some comments by the chairman of the Agriculture Committee, MIKE CONAWAY, who has done a great job of leading the Agriculture Committee, as well as JIM MCGOVERN, who is a good friend and very passionate about nutrition programs.

He has a long record of service in this area, and he and I lead—he is the ranking member—the Nutrition Subcommittee.

Madam Chair, I am grateful for the opportunity to be here and to raise these issues this evening, and I yield back the balance of my time.

Mr. CONAWAY. Madam Speaker, I rise this evening to acknowledge the response of our communities and Federal agencies to the recent hurricanes and wildfires. I would like to first offer my thoughts and prayers to families affected by these tragedies.

The USDA and FNS play a vital role in providing supplemental nutrition assistance when disasters occur by coordinating with State, local, and voluntary organizations. Nothing is more important that providing food when people find themselves suddenly, and often critically, in need following disaster-related emergencies.

FNS has worked tirelessly to provide nutrition assistance to those affected by Hurricanes Harvey, Irma, and Maria, as well as the Western Wildfires. Our fellow citizens in Texas, Georgia, Louisiana, Florida, Puerto Rico, the U.S. Virgin Islands, California, and Oregon have received assistance including automatic mass replacement of benefits, D-SNAP, free school meals, and waivers, ultimately ensuring people have enough to eat in their time of need.

As Secretary Perdue has said, each disaster situation is unique. The USDA and FNS have demonstrated their ability to respond to each of these unique situations in a timely and effective way.

The challenges facing our communities ravaged by hurricanes and wildfires are unprecedented. Getting food on the table in a timely manner should not be an additional challenge. I want to recognize the fortitude of our fellow citizens as they come together to rebuild after such devastation as well as acknowledge the USDA's diligence in addressing the nutrition-related needs of our fellow citizens.

Mr. MCGOVERN. Madam Speaker, the Supplemental Nutrition Assistance Program—

known as SNAP—provides modest food assistance benefits to families in need. The program helps to alleviate hunger, reduce poverty, and improve nutrition across our country on an ongoing basis.

SNAP is also designed to help families put food on the table when disaster strikes. In response to recent hurricanes, fires, floods, and storms, officials at the United States Department of Agriculture's Food and Nutrition Service (USDA FNS) have worked with other federal and state emergency response agencies to ensure those impacted by disasters have access to food.

Flexibilities in SNAP, for example, allow states to issue SNAP benefits early to ensure recipients can stock up on food before a disaster hits.

In many cases, SNAP recipients impacted by disaster and power outages are able to request additional benefits to replace food they lost, and in certain circumstances, are able to use their SNAP benefits to purchase hot foods if they lost power and are unable to cook.

Disaster SNAP, known as D-SNAP, is a key feature of the program that provides nutrition assistance benefits to families in major disaster areas who aren't currently receiving benefits. Importantly, D–SNAP also provides families currently enrolled in SNAP with supplemental benefits to help them get by in the wake of disaster.

In addition to SNAP, other federal anti-hunger safety net programs like the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), child nutrition programs, and Disaster Household Distribution (DHD) come to the aid of those recovering from disaster.

For example, schools in areas affected by disaster can provide meals to all kids at no charge and can be more flexible in where and when they serve meals.

DHD is another program to allow food banks and other organizations to distribute emergency food boxes filled with nutritious food to people that don't have access to feeding sites or grocery stores in the aftermath of disaster.

Madam Speaker, when disasters hit the United States—and its territories—it is imperative that our government effectively and efficiently helps those impacted by these terrible tragedies.

SNAP and our other nutrition programs are a key component of disaster response efforts, providing food to families in need. In the aftermath of recent tragedies that devastated Puerto Rico, the U.S. Virgin Islands, Texas, Georgia, Louisiana, Florida, California, and Oregon, USDA was able to respond.

I'd like to thank my friend and colleague on the Agriculture Committee, the Chairman of the Nutrition Subcommittee, Mr. GT THOMPSON, for raising awareness about nutrition assistance in times of disaster.

I encourage all of my colleagues to join us in recognizing how powerful and effective SNAP and other nutrition programs are in responding to natural disasters. We must work to protect these programs from cuts or structural changes that threaten the ability of these programs to help families in need.

VETERANS DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 30 minutes.

Mr. FORTENBERRY. Madam Speaker, I recently toured the newly renovated United States Capitol dome right nearby and, of course, was well aware it contains a striking fresco at the top. The title of that fresco is The Apotheosis of Washington, a bit of a peculiar image for our time, because it shows a stern, purple-clad George Washington exalted in the heavens.

Now, on his right is the Goddess of Liberty symbolizing emancipation; and on his left, the Goddess Victoria, symbolizing victory. He is surrounded by 13 maidens representing the Thirteen Original Colonies; however, there is a twist. The backs of several of the maidens are turned to Washington, and those represent the colonies of Georgia, North Carolina, South Carolina, and Virginia as they had seceded from the Union prior to the work beginning the fresco in 1863.

Now, Madam Speaker, the imagery continues, and around the rest of the dome are six allegorical scenes that do really project the defining ideas of America at that time. They are: war, science, marine life, commerce, mechanics, and agriculture. Now, these are perhaps old-fashioned categories to the modern mind, but then they did convey an optimism about the frontier, economic progress, and the potential of what our new Nation might be able to achieve.

Although, Madam Speaker, I had seen these frescos before, something struck me differently this time. These scenes really do grasp an incomplete ideal. The Apotheosis of Washington shows a reflective and confident America, but what is missing is a fuller understanding of the nature of community, individual dignity, and freedom.

The idea of progress is narrowly defined, and that narrow definition is actually still with us today, many times as it informs our debate here. We only tend to value things that we can actually measure—things like production, technology, and military victory—and they still rally us, and they are important.

But, as important as these things are, there is more to life; the more we have grown economically, the more we have grown technologically, the more our Nation groans. We have to be honest, and we have to ask ourselves: Why?

America is a far more complicated country than it was in Washington's time. It is not only due to our size and wealth and amazingly diverse population, but it is also due to rapidly advancing technology, a 24/7 news media cycle, and a highly competitive global marketplace that has made life more frenetic, more difficult, and, in some cases, much more alienating.

Today, there is widespread anxiety in our Nation over economic inequality, declining opportunity, and the concentration of both wealth and power, as well as a new force that is expressing a loss of unity and community, and then combine that with this deep search for a sense of solidarity.

Madam Speaker, while Congress spends much of its time debating numbers, financing, and budgets, a vision for America in its fullest sense goes beyond just material dimensions. Our economic vitality must not only be measured in terms of efficiency and growth, but also in how well we advance the cause of human flourishing.

In spite of all of these reflective comments, this Friday, our Nation will actually pause, and we will pause for a very important reason: it is Veterans Day, and we will celebrate that tradition. So if you are starting to feel overwhelmed by our Nation's struggles, just talk to a veteran.

If you see these policy battles here as impossible to resolve, talk to a vet.

If you really do want to reconnect with the ties that bind us, speak to a veteran.

Madam Speaker, as we are painfully aware, it is not easy to make progress in Congress. Nevertheless, there are times when both parties and the administration come together for great good, and actions for veterans represent a unique and proper American opportunity to support the men and women who have served our country. So as we approach Veterans Day and consider how to celebrate this gift of being an American, if we need a reminder, just ask a vet.

□ 1930

Now, back to history for a moment, Madam Speaker.

We rightly mark our independence from the British as the beginning of a new nation, a new experiment in government based in the ideals of freedom. However, freedom most properly expressed is the freedom to do what we ought.

Unlinked to responsibility, to one another, and to higher ideals, freedom can become a meaningless wandering and a search for purpose; and progress, no matter how grand it is, is never an end in itself. Persons who are disconnected from one another, an economy that is uncaring, technology ever accelerating, these are dynamics that can actually be both beneficial, but also leave people behind. Independence from tyranny also means interdependence within community.

Now, Madam Speaker, the Capitol dome is over 150 years old. Until recently, chunks of iron—in fact, I saw one; it was nearly this big—were just falling off, and water was seeping through cracks. But now it is made whole again. The seams are repaired, and there is new, original-like glass and a fresh layer of protective coating. Why? Because we chose to do it. We didn't let it fall into ruin. We didn't lament its potential collapse. We chose to act.

So, Madam Speaker, if we cling to her ideals, this gift of America allows

us the freedom to preserve unity and to make genuine progress, which is the freedom to be whole.

As I approached my office here recently, there was a large crowd of men who had gathered outside my door. I assumed they were waiting to see me, and they were wearing camouflage shirts. There was some language on the front of the shirt. As I got closer, I could read it, and it said ''United Mine Workers.'' I thought, well, this is a bit peculiar to see United Mine Workers from Nebraska. Nonetheless, I engaged them in a conversation outside the door thinking I would escort them inside.

But they weren't there to see me. They were there to see my neighbor, who represents the State of Kentucky, and that made a little more sense. Nevertheless, I greeted these men, and we had a very meaningful conversation about work, about security, and about fairness.

These men had spent their lives in very hard jobs. I am sure they proudly toiled to create reasonable livings for their families. They all now showed real signs of physical fatigue. They were in Washington to make a plea, a plea for their pensions, which are facing dramatic reductions.

A similar situation does exist in Nebraska for another group of workers. These men worked for a guarantee that they would be provided for when they could work no more. But given a confluence of factors, their pensions face a dramatic shortfall, and it is not fair.

I lived, Madam Speaker, for 2 years in the area where these men come from, in a town that had lost half its population in 20 years, in the old industrial Rust Belt where the post-World War II economic boom built a thriving, stable community, but now where globalized supply-side theory has had its most dramatic degenerating economic effect.

I said to these men: ''You know that I know where you come from.'' One of them hugged me.

Madam Speaker, our country is in pain. Epic hurricanes and floods, escalating urban violence and an opioid epidemic among those who are self-medicating their own mental or physical or financial anguish, a broken healthcare construct, the aftereffects of bitterly fought elections, and now another mass shooting have torn America's heart apart.

In a vibrantly healthy society, there is space in a good, functional marketplace for fluidity, creativity, and innovation, and a person with an idea and the drive should be able to pursue it. The benefits accrue to the innovator as well as the buyer of the product, to the community as well, and those who give the effort. The point is this: a healthy economy is both individualistic and community-oriented at the same time.

Innovation and competition can be disruptive, but they must be set within a fair set of rules. When the system stacks to the wealthiest or is outsourced by faceless corporations in the name of advancing quarterly profits, exploiting the poor elsewhere and damaging the environment, it sets in motion a series of things: lost jobs, lost community cohesion, and a breakdown of life's stability.

Tie this to a loss of the formative institutions in our society of family life, faith life, and civic life, and we drift. We drift without a national narrative that can hold, and it makes it much more difficult to respond holistically, especially when we have tragedies such as the senseless horror in Las Vegas and now with the unthinkable at the First Baptist Church in Sutherland Springs, Texas.

But, again, Madam Speaker, I just have to pause and remind myself that, in spite of these difficulties, in spite of sometimes the darkness which can seem overwhelming due to a lack of unity, we will pause on Friday as a nation, and we will remember our veterans. If it is just too much and too overwhelming, if the debates in Congress are so bothersome and annoying, go talk to a vet about that deeper sense of who we are and what we still can be.

Madam Speaker, in the entryway of the municipal building in a little town of France called Sainte-Mere-Eglise, there hangs an American flag. It is the first thing you see when you walk into the mayor's municipal building.

Sainte-Mere-Eglise was the site where our paratroopers landed prior to the D-day invasion. They landed in the midst of German troop formations and had to fight as they were coming down. One paratrooper got hung up on the church steeple and survived the battle. A replica of him still hangs there today.

The American flag in the mayor's building, in the municipal building, is said to be the first American flag planted on the European continent during the war. It is displayed there in France in a government building proudly as a memorial in thanksgiving to America for what we did to save France and to save Europe from tyranny.

Now, Madam Speaker, most of us today think of war in the traditional construct. We fought with tanks, aircraft, ships, and infantry. But, again, we are in a rapidly advancing technological new age. Even in this age of drones and asymmetrical terror threats such as improvised explosive devices, most of us still see our defense through a conventional lens.

But warfare is changing fast and will continue to change. With the miniaturization of nuclear weapons, drones, and other technologies, we could see the potential for widespread destruction accelerate. We are entering an era that is unprecedented and unpredictable, born from the very technologies that heretofore ensured our own survival. What has emerged, Madam Speaker, is a tripolar world, simultaneously increasing both danger and, interestingly, opportunity.

On one pole stands China. As this country ascends to economic dominance, China is trying to pair its military clout with military projection in key lanes of commerce. The Communist Party leader, President Xi, projects himself as both a man of virtue and a man of dominance. In fact, The Economist magazine recently called him the world's most powerful man.

At another pole stands Russia. Though they face demographic problems, Russia has, in many ways, raced ahead of us in weapons technology superiority. It could be argued that the Soviet era was an aberration, an actual aberration, of Russia's long tradition of czarist rule. Seen in that light, Putin is a new czar type who has moved past Marxist ideology—Marxist theology, perhaps we should say—to recover Russian nationalistic poetry, purpose, and expansionistic power.

The third pole is less of a geographic or ideological proposition. It is an expression of higher ideals. Now, in traditional terms, Madam Speaker, we call this the Transatlantic Alliance, but, in broader terms, it is people from around the world who are guided by a reasoned intuitive sense that all persons have dignity and rights and that the systems of governance and economics ought to be ordered around that very proposition. When a person can exercise excellence for themselves in partnership with others in community, a community of possibility exists.

Because, in America, we believe these values are universal, we also believe that they are more potent than any ideology or accident of geography. That is the long arc of history—born in former ages and translated over time to our present day.

Now, given our vulnerabilities, we understandably and purposefully commit to technological superiority in weaponry. But, as a singular proposition, this is illogical because it cannot hold. The technological gap is closing. There must be more, and it is found in two pathways:

First, back to this idea of our own internal reflection as a country. Recently, we saw a Hollywood elite named Harvey Weinstein brought to shame for his manipulative perversions. Interestingly, this country had a flash of collective conscience. The curtain was raised on Hollywood's dark hypocrisy. Almost all Americans were aghast, which, importantly, showed our capacity to value human dignity.

Second, Madam Speaker, a healthy national conscience gives us the credibility to reinvigorate and rebuild authentic relationships worldwide. By incentivizing good economic models and promoting government models that are fair, we can create the conditions for our own safety, the world's stability, and the world's security.

Madam Speaker, a couple weeks ago, I was on my way home from Washington to Nebraska. Driving from the airport, I saw a big, red pickup truck.

Now, that is not a very uncommon site in our State, except that on each side of the truck was a pole, and attached to each pole was an American flag blowing fiercely in the wind. Now, these flags were a bit tattered on the edges, but, nevertheless, they were proudly displayed just like at that little French town, Sainte-Mere-Eglise. It is my hope that this is the third pole that can truly hold for our good and the good of others across the world.

Now, Madam Speaker, we have talked a lot about the struggles, but closer to home and made in realtime policy, the House of Representatives has undertaken a sincere deliberation at the moment to assist in a structural change to our current economic construct—a new tax deal.

Now, this is what Andy from Nebraska wrote me recently. He said that he is very encouraged because ''if it makes it into law, my back-of-the-napkin calculations show it could benefit my family by around $5,500. For a family of four making about $85,000 a year, that's a big deal.''

□ 1945

Madam Speaker, Americans do need a break, especially working men and women trying to get a bit ahead, trying to provide for their families. For many, it is harder and harder. Around 50 percent of Americans live paycheck to paycheck. That is not fully a Tax Code problem. It is also the harsh reality of social fragmentation, downward mobility, and the rising cost of living.

Many forces of globalization have not benefited America, leaving millions behind and all too often forgotten. But tax reform can help, as long as it is fair and as simple as possible for the benefit of all.

We are living in an age where we cannot push the same old policies over and over again and expect them to fit into our 21st century architect of living.

Moving forward, I believe that the source and strength of the American economy will be in the new urbanism of small business, in which entrepreneurs from village to city will add value through small-scale manufacturing, innovative new products, or brokering in repair services. The conditions for entrepreneurial revival may be right on the horizon.

Madam Speaker, though the corporate structure of the 1950s has been made temporarily beguiling by the modest show called ''Mad Men,'' but no young person I know yearns to work for a company for 25 years and celebrate at the end with a gold watch. That era is over and our Tax Code is based on old constructs of what it means to be in business.

So, hopefully, as we work ourselves through this important debate, this bill will be sensitive to the needs of all Americans as it begins to push for a modernized revenue construct that no longer enables complex, lawyered-up, quarterly profit-driven multinationals to unjustly benefit, for instance, from lower taxes abroad while taking advantage of tax loopholes here.

At the same time, it uses the carrot of lower rates to bring foreign profits back to America so that we can revive the Made in America label once again.

Madam Speaker, I have spoken tonight about our challenges both at home and abroad, but we know a truly just and good society can only be possible if we are both strong and safe.

One day, I was in the airport and something interesting happened. A number of troops were coming off an aircraft on the jetway. There was no announcement over the PA system. It just happened spontaneously. The terminal began to break out in applause. It just happened. People intuited that something was right here.

Of course, many people at this moment in our country's history intuit that something is broken, but they also can sense when things are right. We can see it, like when we see our troops or we see a veteran, then our instinct emerges to recognize the nobility of self-sacrifice for one another, our country, and its timeless ideals. Our veterans have done so and our people know so.

When it just gets a little too overwhelming, Madam Speaker, ask a vet. When we lose touch with the source of our strength and greatness, talk to those who have put even possibly their lives on the line for that true source of American strength. Ask a vet.

When it seems as though the problems before us are intractable—how we are going to revive an economy that is good and fair to all; how we are going create the stability necessary for the proper engagement and healthy engagement and exciting engagement with people from abroad; how will we create international stability—when it just seems too hard to get the mind around it, ask a vet who stood in the small village overseas, who may have had to fight their way in, but then offers a hand up to those who have been placed in harm's way.

This Friday is an important holiday. It is a gift to be able to say thank you to our veterans.

Madam Speaker, may I inquire as to the amount of time remaining?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

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

LEAVE NO TAXPAYER BEHIND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 30 minutes.

Mr. MCCLINTOCK. Madam Speaker, in the last four national elections, Americans made it clear that we won't accept the economic stagnation that we have suffered during this past decade.

Mr. Obama's policies of higher taxes and regulatory burdens suppressed economic growth to a dismal 1½ percent annual average. That is about half of the post-war growth rate of 3 percent.

President Reagan averaged 3½ percent annual growth by reducing the tax and regulatory burdens crushing the economy. The result was one of the greatest economic expansions in American history.

The Trump administration has made significant progress on regulatory relief, as attested by rising wages, employment opportunities, and growing consumer confidence. But tax relief is vital to finish the job.

The imperative should be clear. The American corporate tax rate of 35 percent is the highest in the industrialized world. I know there are lots of special interest loopholes that go to politically connected companies that bring the effective rate down to 18.6 percent.

But that is precisely the problem. Many companies that haven't gotten these breaks have simply fled the country, taking trillions of dollars and possibly millions of American jobs overseas. By closing the loopholes and lowering the rate to an internationally competitive 20 percent, economists tell us that we can add $5 trillion to the American economy over the next decade. That averages about $40,000 per family.

Those who dismiss this as tax cuts for wealthy corporations don't understand the dirty little secret of corporate taxation: corporations do not pay corporate taxes. They only collect them.

There are only three possible sources from which they can collect them. The only people who pay corporate taxes are consumers, through higher prices; employees, through lower wages; and investors, through lower earnings. That is your pension and 401(k).

Lowering the corporate tax rate not only means restoring America's global competitiveness, but it invariably translates into lower prices, higher wages, and greater returns on savings and investments.

The personal income tax side is also important, and this is where I become concerned that we are getting wrapped around the axle.

We have had several unpleasant surprises this past week: the 46 percent bubble bracket and now the Joint Committee on Taxation report that, over time, many in the middle class may end up paying higher income taxes.

Yes, the average taxpayer will pay less, but this raises the mystery of the 6-foot man who drowned in a pond whose average depth was 5 feet. It is now clear that some—perhaps many—families will see tax increases now, and more over time.

As desirable as tax simplification is, I wonder if it is a bridge too far, given the timetable we are on, the hyper-partisan political environment we are in, and the complexities of the Tax Code that are certain to continue to yield unpleasant and unintended consequences.

I urge our leadership and our Ways and Means Committee to consider leaving the personal income tax structure intact, but using the budget authority instead to provide a permanent, uniform, across-the-board reduction in the rates for all tax brackets.

Our back-of-the-envelope estimate is that, using the current framework, we can reduce tax brackets by a full 1 percent, averaging about $600 of tax savings for joint filers. If we included the repeal of the individual mandate in ObamaCare, we could reduce all tax brackets by 1.35 percent, averaging about $800 of lower taxes for joint filers.

I think there are four principal advantages to this approach:

First, it leaves no taxpayer behind. Whatever your circumstances, whatever the deductions you claim, you can be sure that your overall tax bill will go down.

Second, by reducing all marginal rates, it will increase the economic growth potential of the reform. Productivity depends on how much your next dollar is taxed.

That is the marginal rate. We can bring down the top marginal rate under this reform; whereas, under the current proposal, it not only stays where it is, but in the bubble bracket, it increases to 46 percent.

Third, these reforms can be communicated easily to the American people.

Fourth, it will remove a vast portion of the opposition that we are seeing among various business groups that imperils the entire bill.

Madam Speaker, the tax reform bill that emerges from these deliberations will ultimately be judged by the prosperity that it produces and the relief that it brings to all American families.

If it is done right, the tax reform bill now taking shape in Congress can deliver us to that day. But if it is done wrong, we will have squandered the most important chance the American people have given us to materially improve their lives.

I remember the Reagan era. Wages rose, opportunities for better jobs abounded, and everywhere you could sense the optimism that comes with prosperity and abundance. I want my kids to know what it is like when morning dawns again in the American economy. It is up to us in this Chamber to make it happen, so we must.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Ms. PELOSI) for today and November 9 on account of returning to district to support the community of Sutherland Springs.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1015. An act to require the Federal Communications Commission to study the feasibility of designating a simple, easy-to-remember dialing code to be used for a national suicide prevention and mental health crisis hotline system; to the Committee on Energy and Commerce; in addition, to the Committee on Veterans' Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1088. An act to require the collection of voluntary feedback on services provided by agencies, and for other purposes; to the Committee on Oversight and Government Reform.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3031. An act to amend title 5, United States Code, to provide for flexibility in making withdrawals from a Thrift Savings Plan account, and for other purposes.

ADJOURNMENT

Mr. MCCLINTOCK. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 9, 2017, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3131. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's Report of FY 2017 Audits, pursuant to 5 U.S.C. Sec. 8439(b) (1994 and Supp. III 1997), and 5 U.S.C. Sec. 8477(g); to the Committee on Oversight and Government Reform.

3132. A letter from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities; The Endocrine System (RIN: 2900-AO44) received November 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

3133. A letter from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Homeless Veterans (RIN: 2900-AQ07) received November 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

3134. A letter from the Secretary, Department of Veterans Affairs, transmitting a supplement to the Department of Veterans Affairs October 31, 2017 transmittal of the draft bill, the ''Veteran Coordinated Access and Rewarding Experiences (CARE) Act (''the draft CARE Act''); to the Committee on Veterans' Affairs.

3135. A letter from the Inspector General, Office of Inspector General, Department of Health and Human Services, transmitting the Department's report entitled, ''CMS Ensured Nearly All Part D Drug Records Contained Valid Prescriber Identifiers in 2016'', pursuant to 42 U.S.C. 1395w-104(c)(4)(C); Public Law 114-10, title V, Sec. 507; (129 Stat. 169); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOWDY: Committee on Oversight and Government Reform. H.R. 3071. A bill to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes (Rept. 115–402). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOWDY: Committee on Oversight and Government Reform. H.R. 3244. A bill to amend title 5, United States Code, to provide for annual surveys of Federal employees, and for other purposes; with an amendment (Rept. 115–403). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KUSTOFF of Tennessee:

H.R. 4294. A bill to amend the Financial Stability Act of 2010 to provide a criminal penalty for unauthorized disclosures of certain individually identifiable information by officers or employees of a Federal department or agency; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. DUNCAN of South Carolina, Mr. MCCLINTOCK, Mr. COLE, Mr. ALLEN, Mr. FRANKS of Arizona, Mr. SMITH of Texas, Mr. DUNCAN of Tennessee, Mr. BROOKS of Alabama, and Mr. GROTHMAN):

H.R. 4295. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mr. LUETKEMEYER (for himself and Mr. MEEKS):

H.R. 4296. A bill to place requirements on operational risk capital requirements for banking organizations established by an appropriate Federal banking agency; to the Committee on Financial Services.

By Mr. BUCSHON (for himself and Mr. GENE GREEN of Texas):

H.R. 4297. A bill to amend title XVIII of the Social Security Act to provide information regarding vaccines for seniors as part of the Medicare & You handbook and to ensure that the treatment of cost sharing for vaccines under Medicare part D is consistent with the

treatment of vaccines under Medicare part B, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HARTZLER:

H.R. 4298. A bill to amend the Food Security Act of 1985 to allow grazing as a mid-contract management practice in the conservation reserve program, and for other purposes; to the Committee on Agriculture.

By Mr. BISHOP of Utah (for himself, Mr. THORNBERRY, and Mr. WILSON of South Carolina):

H.R. 4299. A bill to provide for the indefinite duration of certain military land withdrawals, to improve the management of lands currently subject to such withdrawals and to make the management of such lands more transparent, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HANABUSA (for herself and Mr. BISHOP of Utah):

H.R. 4300. A bill to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes; to the Committee on Natural Resources.

By Mr. NORMAN (for himself, Mr. WILSON of South Carolina, Mr. DUNCAN of South Carolina, Mr. SANFORD, Mr. RICE of South Carolina, Mr. CLYBURN, and Mr. GOWDY):

H.R. 4301. A bill to designate the facility of the United States Postal Service located at 201 Tom Hall Street in Fort Mill, South Carolina, as the ''J. Elliott Williams Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. TIPTON:

H.R. 4302. A bill to amend the Federal Reserve Act to create congressional accountability for emergency lending programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, 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. CAPUANO:

H.R. 4303. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to prohibit funding under the Edward Byrne Memorial Justice Assistance grant program and the Public Safety and Community Policing grant program to be provided to law enforcement agencies that use license plate readers unless certain conditions are met; to the Committee on the Judiciary.

By Mr. DESAULNIER (for himself, Mr. CARBAJAL, Mr. HUFFMAN, and Mr. SCOTT of Virginia):

H.R. 4304. A bill to provide whistleblower protections to certain workers in the offshore oil and gas industry; to the Committee on Education and the Workforce.

By Mr. DUNCAN of Tennessee:

H.R. 4305. A bill to amend the Federal Crop Insurance Act to prohibit payments of premium subsidy for harvest price policies; to the Committee on Agriculture.

By Mr. HUFFMAN (for himself and Mr. LOBIONDO):

H.R. 4306. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself and Miss RICE of New York):

H.R. 4307. A bill to provide for temporary emergency impact aid for local educational agencies; to the Committee on Education and the Workforce.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself and Mr. O'HALLERAN):

H.R. 4308. A bill to provide for grants to finance broadband transmission in certain rural areas; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MESSER:

H.R. 4309. A bill to codify Executive Order 13771, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRY (for himself, Mr. BROOKS of Alabama, Mr. DUNCAN of South Carolina, Mr. BIGGS, and Mr. NORMAN):

H.R. 4310. A bill to amend section 412(a)(2) of the Immigration and Nationality Act to require ratification of a plan with respect to a refugee by the legislature of a State before the refugee may be initially placed or resettled in the State, and for other purposes; to the Committee on the Judiciary.

By Mr. PITTENGER (for himself, Mr. NUNES, Mr. SMITH of New Jersey, Mrs. HARTZLER, Mr. YOHO, Mr. ROGERS of Alabama, Ms. DELAURO, Mr. GALLAGHER, Mrs. ROBY, Mr. LOEBSACK, Mr. HECK, Mr. WEBER of Texas, Mr. SAM JOHNSON of Texas, and Mr. CULBERSON):

H.R. 4311. A bill to modernize and strengthen the Committee on Foreign Investment in the United States to more effectively guard against the risk to the national security of the United States posed by certain types of foreign investment, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, Foreign Affairs, Intelligence (Permanent Select), Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENACCI (for himself, Mr. CHABOT, Mr. WENSTRUP, Mrs. BEATTY, Mr. JORDAN, Mr. LATTA, Mr. JOHNSON of Ohio, Mr. GIBBS, Mr. DAVIDSON, Ms. KAPTUR, Mr. TURNER, Ms. FUDGE, Mr. TIBERI, Mr. RYAN of Ohio, Mr. JOYCE of Ohio, and Mr. STIVERS):

H.R. 4312. A bill to amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Battlefield Crosses in national cemeteries; to the Committee on Veterans' Affairs.

By Ms. SÁNCHEZ:

H.R. 4313. A bill to amend the Fair Credit Reporting Act to provide protections for active duty military consumers, and for other purposes; to the Committee on Financial Services.

By Ms. TENNEY:

H.R. 4314. A bill to amend title 5, United States Code, to provide for the temporary halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VARGAS (for himself and Mr. POLIQUIN):

H.R. 4315. A bill to exclude from consideration as income under the United States Housing Act of 1937 certain veterans compensation and pensions, and for other purposes; to the Committee on Financial Services.

By Mr. WALZ (for himself and Mr. FORTENBERRY):

H.R. 4316. A bill to provide for the reform and continuation of the beginning farmer and rancher program, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4317. A bill to authorize the Federal Energy Regulatory Commission to issue an order continuing a stay of a hydroelectric license for the Mahoney Lake hydroelectric project in the State of Alaska, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. WITTMAN, Ms. ROYBAL-ALLARD, Ms. GRANGER, and Mr. GENE GREEN of Texas):

H. Con. Res. 91. Concurrent resolution expressing the sense of Congress that public health professionals should be commended for their dedication and continued service to the United States on ''Public Health Thank You Day'', November 20, 2017; to the Committee on Energy and Commerce.

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. KUSTOFF of Tennessee:

H.R. 4294.

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

The Constitutional Authority on which this bill rests is the explicit power of Congress to regulate in commerce in and among the states, as enumerated in Article I, Section 8, Clause 3, the Commerce Clause of the United States Constitution.

Additionally, Article I, Section 7, Clause 2 of the Constitution allows for every bill passed in the House of Representatives and the Senate and signed by the President to be codified into law; and therefore, implicitly allows Congress to repeal any bill that has been passed by both chambers and signed into law by the President.

By Mrs. BLACKBURN:

H.R. 4295.

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

Article I, Section 8 ''necessary and proper'' clause.

By Mr. LUETKEMEYER:

H.R. 4296.

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

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause

3, the Commerce Clause, of the United States Constitution.

By Mr. BUCSHON:

H.R. 4297.

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

Article 1, Section 8, Clause 3 of the Constitution.

By Mrs. HARTZLER:

H.R. 4298.

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

Article, I, Section 8, Clause 1 (The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States) of the United States Constitution.

By Mr. BISHOP of Utah:

H.R. 4299.

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

Article 1, Section 8, Clause 16, to provide for the organizing of the armed forces of the United States; Clause 17 which allows Congress to exercise authority in support of the Armed Services for the establishment of needed military installations; and Clause 18 which provides general authority for all laws which may be ''necessary and proper'' in carrying out the foregoing powers.

By Ms. HANABUSA:

H.R. 4300.

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

Article I, Section 8

By Mr. NORMAN:

H.R. 4301.

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

Article I, Section 8 of the U.S. Constitution.

By Mr. TIPTON:

H.R. 4302.

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

Article 1, Section 8, Clause 3, ''To regulate Commerce with foreign Nations, and among the several state and with the Indian Tribes;''

By Mr. CAPUANO:

H.R. 4303.

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

The Congress enacts this bill pursuant to Article I, Section 8, Clause 1; Article I, Section 9, clause 7; Article I, Section 8, clause 18; and Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DESAULNIER:

H.R. 4304.

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

Article 1, Section 8.

By Mr. DUNCAN of Tennessee:

H.R. 4305.

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

Article IV,

Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. HUFFMAN:

H.R. 4306.

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

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

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By Mr. KING of New York:

H.R. 4307.

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

Article I, Section 8 of the United States Constitution

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By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 4308.

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

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. MESSER:

H.R. 4309.

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

Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. PERRY:

H.R. 4310.

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

Article 1, Section 8 of the United States Constitution

By Mr. PITTENGER:

H.R. 4311.

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

The constitutional authority on which this bill rests the power of Congress to lay and collect duties and to regulate Commerce with foreign Nations, as enumerated in Article I, Section 8.

By Mr. RENACCI:

H.R. 4312.

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

Article 1, Section 8, Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. SÁNCHEZ:

H.R. 4313.

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

Article I, section 8, clause 18:

Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. TENNEY:

H.R. 4314.

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

Article I, Section 8, Clause 18: The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. VARGAS:

H.R. 4315.

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

The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers (Article I, Section 8, Clauses 12, 13 and 14), and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

By Mr. WALZ:

H.R. 4316.

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

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 4317.

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

Article I, Section 8, Clause 3

Article IV, Section 3, Clause 2

ADDITIONAL SPONSORS

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

H.R. 93: Mr. PASCRELL.

H.R. 158: Mr. THOMPSON of Mississippi.

H.R. 169: Mr. GOMEZ.

H.R. 176: Mr. LAMALFA and Mr. NORMAN.

H.R. 179: Ms. MENG.

H.R. 217: Mr. ALLEN.

H.R. 233: Mr. LAWSON of Florida.

H.R. 358: Mr. BARR.

H.R. 483: Mr. MESSER.

H.R. 501: Mr. BISHOP of Michigan.

H.R. 559: Mr. WEBER of Texas, Mr. WALKER, and Mr. GIBBS.

H.R. 579: Mr. LOEBSACK.

H.R. 747: Mr. ROKITA.

H.R. 807: Mr. FRELINGHUYSEN and Mr. KEATING.

H.R. 894: Mrs. NOEM.

H.R. 897: Mr. KATKO.

H.R. 912: Mr. CORREA.

H.R. 930: Mr. LOUDERMILK.

H.R. 960: Mr. SMITH of New Jersey.

H.R. 1038: Mr. GONZALEZ of Texas.

H.R. 1178: Mr. GROTHMAN, Mr. WALBERG, and Mrs. BLACKBURN.

H.R. 1192: Mr. DUNCAN of South Carolina and Mr. FLEISCHMANN.

H.R. 1206: Ms. MATSUI.

H.R. 1300: Ms. ROSEN and Mrs. MURPHY of Florida.

H.R. 1406: Ms. PLASKETT and Ms. WILSON of Florida.

H.R. 1444: Mr. KIND and Mr. RASKIN.

H.R. 1456: Ms. DEGETTE and Ms. GRANGER.

H.R. 1516: Mr. PANETTA.

H.R. 1580: Mr. NOLAN.

H.R. 1676: Mr. JOHNSON of Georgia and Mr. FRELINGHUYSEN.

H.R. 1772: Mr. QUIGLEY and Mr. KIHUEN.

H.R. 1775: Ms. SLAUGHTER.

H.R. 1822: Mr. RUIZ.

H.R. 1891: Mr. WOMACK.

H.R. 1955: Mr. ZELDIN.

H.R. 2022: Mr. STIVERS.

H.R. 2044: Mr. SMITH of Washington, Mr. O'ROURKE, Ms. ROSEN, Mrs. DINGELL, and Mr. KRISHNAMOORTHI.

H.R. 2147: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 2245: Mr. LOWENTHAL.

H.R. 2259: Ms. FRANKEL of Florida.

H.R. 2267: Ms. MENG, Ms. NORTON, and Mr. JENKINS of West Virginia.

H.R. 2306: Mr. JOHNSON of Georgia.

H.R. 2309: Ms. MENG.

H.R. 2320: Ms. MOORE.

H.R. 2322: Ms. BROWNLEY of California.

H.R. 2452: Mr. CROWLEY.

H.R. 2510: Ms. SLAUGHTER.

H.R. 2589: Mr. STIVERS and Mr. COSTELLO of Pennsylvania.

H.R. 2598: Mr. HASTINGS and Mr. ENGEL.

H.R. 2653: Mr. LANGEVIN.

H.R. 2723: Mr. LUCAS, Mr. SMUCKER, and Mr. MITCHELL.

H.R. 2740: Mr. TIPTON and Mr. LATTA.
H.R. 2760: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 2761: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 2817: Mr. BANKS of Indiana.
H.R. 2856: Mr. SIRES.
H.R. 2862: Ms. DELBENE.
H.R. 2999: Mr. FRELINGHUYSEN.
H.R. 3017: Ms. ESTY of Connecticut and Mr. KATKO.
H.R. 3034: Mr. COURTNEY, Ms. HERRERA BEUTLER, and Mr. SMITH of Washington.
H.R. 3117: Mr. CONAWAY and Mr. SESSIONS.
H.R. 3127: Mr. TIPTON.
H.R. 3128: Mr. TIPTON.
H.R. 3148: Mr. LOWENTHAL.
H.R. 3236: Mr. LONG.
H.R. 3272: Mr. YOHO, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. JACKSON LEE, Mrs. CAROLYN B. MALONEY of New York, Mr. DEFAZIO, Mr. KHANNA, Ms. WILSON of Florida, Mr. BROWN of Maryland, Mr. LOEBSACK, Ms. MATSUI, Mr. NOLAN, and Mr. GARAMENDI.
H.R. 3282: Mr. TIPTON.
H.R. 3315: Mr. KELLY of Pennsylvania.
H.R. 3345: Mr. CARSON of Indiana, Mrs. TORRES, and Mr. AL GREEN of Texas.
H.R. 3402: Mr. GROTHMAN.
H.R. 3409: Mr. AL GREEN of Texas and Mr. CÁRDENAS.
H.R. 3488: Mr. FRELINGHUYSEN.
H.R. 3513: Mr. CRAMER.
H.R. 3536: Ms. SLAUGHTER.
H.R. 3579: Ms. KUSTER of New Hampshire.
H.R. 3596: Mr. BISHOP of Utah, Ms. CLARKE of New York, Mr. GAETZ, Mr. STEWART, Mr. SCHNEIDER, Mr. UPTON, Mr. GONZALEZ of Texas, and Mr. MOOLENAAR.
H.R. 3632: Mr. NOLAN and Mr. LOWENTHAL.
H.R. 3642: Mrs. BROOKS of Indiana and Mr. WEBSTER of Florida.
H.R. 3671: Ms. BASS.
H.R. 3770: Mr. BISHOP of Michigan and Ms. GABBARD.
H.R. 3773: Ms. NORTON.
H.R. 3798: Mr. FRELINGHUYSEN.
H.R. 3913: Ms. MENG.
H.R. 3979: Mr. TIPTON.
H.R. 4006: Ms. LOFGREN and Mr. CÁRDENAS.
H.R. 4013: Mr. LANGEVIN.
H.R. 4030: Ms. CASTOR of Florida.
H.R. 4072: Ms. LOFGREN and Ms. LEE.
H.R. 4090: Mr. COHEN.
H.R. 4099: Mr. PERLMUTTER.
H.R. 4114: Mr. CARSON of Indiana and Ms. SCHAKOWSKY.
H.R. 4124: Mr. CICILLINE, Mr. SANFORD, and Ms. JAYAPAL.
H.R. 4135: Ms. SINEMA.
H.R. 4140: Mr. O'ROURKE.
H.R. 4143: Mr. JOHNSON of Ohio and Mr. COHEN.
H.R. 4177: Mr. MEADOWS and Mr. WELCH.
H.R. 4184: Mr. SOTO.
H.R. 4195: Mrs. WATSON COLEMAN and Ms. ROSEN.
H.R. 4207: Mr. MOOLENAAR and Mr. TROTT.
H.R. 4222: Mr. LOWENTHAL, Mr. PETERS, and Ms. MOORE.
H.R. 4234: Mr. LANGEVIN.
H.R. 4238: Mr. MCCAUL.
H.R. 4239: Mr. HUDSON.
H.R. 4253: Mr. BROWN of Maryland, Mr. GALLEGO, and Mr. PALLONE.
H.R. 4261: Mr. JONES and Mr. BLUMENAUER.
H.R. 4290: Mr. O'HALLERAN, Ms. WASSERMAN SCHULTZ, Ms. ROSEN, Ms. JAYAPAL, and Mr. RASKIN.
H. Con. Res. 27: Mr. CARTWRIGHT.
H. Con. Res. 61: Mr. HULTGREN, Mr. ABRAHAM, Mr. LANCE, Mr. THOMAS J. ROONEY of Florida, and Mr. PEARCE.
H. Con. Res. 81: Mr. ESPAILLAT and Mr. O'ROURKE.
H. Res. 264: Mr. TONKO.
H. Res. 327: Ms. TSONGAS.
H. Res. 393: Mr. KHANNA, Ms. BROWNLEY of California, Ms. NORTON, Mr. DEUTCH, Ms. LEE, Ms. FRANKEL of Florida, Mr. SCHIFF, Ms. TITUS, Mr. CONNOLLY, Mr. ESPAILLAT, Mr. SIRES, and Mr. MEEKS.
H. Res. 401: Ms. PLASKETT and Mr. ROYCE of California.
H. Res. 570: Mr. WEBER of Texas and Mr. BIGGS.
H. Res. 576: Mr. SESSIONS.
H. Res. 582: Mr. HILL.
H. Res. 604: Mr. DELANEY, Mr. TROTT, Mr. KELLY of Pennsylvania, and Mr. CROWLEY.
H. Res. 606: Mr. FRANKS of Arizona.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H. Res. 576: Mr. HUNTER.

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PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, our Father, help our lawmakers this day to do Your work faithfully and well. Prepare them to be sober-minded and filled with Your Spirit, accomplishing tasks that receive Heaven's approval. Lord, keep them from deviating from integrity as they strive to ensure that their conduct rightly represents You. May they live lives of holiness and goodness, being as kind to others as they would wish them to be to them.

Lord, prepare us all to stand before You in peace without spot or blemish. As we pursue Your peace on Earth, lead us not into temptation but deliver us from evil.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, the Republican Senate is continuing its important work on behalf of the American people. We are moving forward on legislative priorities that will benefit hard-working families throughout the country. We are also continuing to confirm President Trump's nominees throughout the Federal Government.

Last week, we continued our momentum with the confirmation of well-qualified and talented individuals to serve in the Federal judiciary. This week, the Senate is considering multiple nominations to important agencies. Yesterday, we confirmed officials to the Department of Defense and to the Department of Justice. Soon, they will get to work for the American people.

Next, the Senate will vote to confirm Peter Robb as the general counsel of the National Labor Relations Board. As I said yesterday, Mr. Robb's experience in employment law will help return the NLRB to its role as an impartial arbiter of labor disputes instead of a political cudgel for union bosses and leftwing special interests, as it was under the Obama administration.

We will then turn to another qualified individual who will help undo some of the damage of the Obama administration. William Wehrum, President Trump's nominee to be the Assistant Administrator for EPA's Office of Air and Radiation, will put his experience to good use for our Nation.

The Office of Air and Radiation is one of the most important parts of the EPA. Unfortunately, under the previous administration, it was also one of the offices with the most significant overreach. This one office was responsible for 95 percent of the annual regulatory burdens that the EPA forced onto our economy, according to one report, reportedly costing the economy at least $41 billion—this one Agency.

So this is an office in desperate need of new leadership from an individual who understands how to implement clean air policies in a balanced way rather than with extreme regulatory overreach. Mr. Wehrum is the right person for the job. With more than three decades of experience in environmental policy, he understands the issues before the EPA and how to address them. He even worked in this particular office before serving as Acting Administrator from 2005 to 2007.

Mr. Wehrum has earned support from many different corners. His former boss at the EPA, Jeff Holmstead, said that ''there is no better person'' to fill this position. The EPA's Deputy Administrator from 2005 to 2009, Marcus Peacock, said that ''Wehrum's understanding of the Clean Air Act may be second to none.'' Even the Natural Resources Defense Council—not exactly a rightwing organization—had this to say about this nominee's previous experience at the EPA, noting that he ''achieve[d] important air pollution reductions.''

''Wehrum, Holmstead, and the Bush EPA,'' the NRDC further wrote, ''deserve credit for these substantial public health and air quality achievements.''

Nominees like Mr. Wehrum will continue the work of this EPA to undo the damage of the Obama administration's overreach in a reasonable manner. For instance, Obama's Office of Air and Radiation was responsible for the administration's dubious energy regulatory scheme, which threatened to punish coal families and ship middle-class jobs overseas.

When Administrator Scott Pruitt came to Kentucky last month, he announced the official withdrawal of that rule. Unlike the previous leadership of the EPA, Administrator Pruitt actually cared enough to come to my home State and hear directly from the men and women impacted by the Agency's regulations. He is someone who will work with us to protect our environment and save Kentucky families from harmful regulations. Mr. Wehrum will work with Administrator Pruitt to help continue this trend at the EPA. I look forward to the Senate advancing his nomination.

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

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TAX REFORM

Mr. MCCONNELL. Now on another matter, Mr. President, Members of the Senate are continuing to work hard to deliver much needed tax reform for families and small businesses. Yesterday, Senators, members of the administration, and tax reform advocates met here in the Capitol to discuss a mutual vision for relief. They shared the goals of simplicity, fairness, and economic growth. These are the same goals I have, they are the same goals the House wrote into its legislation, they are the same goals the President asked us to consider, and most importantly, they are the goals shared by many Americans across the political spectrum. So we are working together to get this done.

This is a once-in-a-generation opportunity, and it will help us create jobs and boost the economy, while closing special interest loopholes at the same time. We can do all of this through tax reform.

Today, the House Ways and Means Committee will continue to mark up its legislative proposal. I would like to once again commend Chairman BRADY for his good work on the House plan. The hearings this week are building momentum to accomplish our goals for the American people.

Soon, the Senate Finance Committee, under the leadership of Senator HATCH, will release its own plan for tax reform. Working through an open committee process, the committee will ultimately bring tax reform legislation to the floor. I am exceedingly grateful to Chairman HATCH for his continued leadership of the Finance Committee.

As we continue to advance tax reform, I would urge our Democratic colleagues to join us. In recent years, many prominent Democrats have expressed support for tax reform. Since then, the need for tax reform hasn't changed at all. The American people haven't stopped hurting either. The only thing that changed was the President. So I hope our colleagues will put partisanship aside and work with us in a serious way to help us deliver real relief to families. I hope they will help us take more money out of Washington's pockets and put more money in the pockets of the middle class. That is the aim of this tax reform effort, and we are going to keep working until we accomplish it.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the Robb nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

The PRESIDING OFFICER. The Senator from Arizona.

AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. FLAKE. Mr. President, the Senate Foreign Relations Committee had a very important hearing last week regarding the 2001 authorization for use of military force, the law that serves as the legal underpinning for the war against al-Qaida and the Taliban. I am grateful to our witnesses, Secretaries Mattis and Tillerson, for making themselves available to the members of the committee and for the straightforward and honest answers they provided to us.

As we have gotten further and further away from the September 11 attacks that resulted in the passage of the 2001 AUMF, I have urged Congress to take a fresh look at that authorization. When four soldiers died recently in Niger, I think most Americans—and even some Members of Congress—were shocked to learn that we even had troops in that country. Our troops were not there under the auspices of the 2001 AUMF, but considering that they were reportedly ambushed and killed at the hands of an Islamic State affiliate, questions have been raised about where our forces are and where they are at war with terrorists versus when they are simply conducting train-and-equip or other missions of that sort.

It was encouraging that nearly every member of the Foreign Relations Committee was in attendance at that hearing where the witnesses testified that the administration believes it has ample authority to prosecute the war on terrorism and does not need a new AUMF.

I can't say I was surprised to hear that testimony. No administration, Republican or Democratic, will ever willingly cede the broad authority given to the executive branch 3 days after the September 11 attack. If they were to say that we need new authorization, they would be conceding that they haven't been acting with authorization all this time. So they are never going to say that we need a new AUMF.

What has surprised me is that there are Members of this body, the Senate, who are content to let this 16-year old authorization remain in place. Some have even suggested that any updates to the AUMF can be made using the appropriations process. Are we really going to start using policy riders on annual spending bills to approve of sending troops into harm's way? We rarely even vote on individual spending bills anymore, let alone controversial policy riders to those spending bills. Are we truly willing to leave it to the members of the Appropriations Committee to update a law that has put our servicemembers into harm's way, particularly those of us on the authorizing committee, the Senate Foreign Relations Committee? I hope that we more jealously guard our prerogatives than that.

Our inaction on updating the 2001 law has already relegated the role of the Senate in authorizing force to that of a cog in the feedback loop. I would submit that we in the Senate ought to aspire to be more than that.

For 16 years, Congress has been all too willing to let successive administrations use those broad authorities to address new threats and to deploy U.S. troops to new places. Beyond Afghanistan, our troops have deployed all over the world, to places such as Yemen, the Philippines, Somalia, and Libya to fight al-Qaida and its affiliates.

We have also sent forces to Syria and back to Iraq to defeat ISIS, a group that didn't even exist in 2001. We need to fight terrorism overseas, and I am not suggesting that the United States should shy away from these battles. To the contrary, I believe Congress should do its duty in supporting these missions by voting to authorize them.

In the 16 years since the passage of the 2001 AUMF, approximately 300 Members of the House who voted on it are no longer with that Chamber. In the Senate, of those Senators who voted on the original AUMF, only 23 Senators remain in their seats today. That leaves approximately 70 percent of the entire Congress that has never cast a vote to authorize military force abroad. Yet, over the years, deployments have continued to new places, combating new foes.

The United States is strongest when we speak with one voice. Therefore, Congress must have some buy-in on these missions. Our allies and other adversaries need to know that the war on terrorism has the support of Congress. More importantly, our troops need to know that Congress is behind them.

I know the concept of passing a new, updated AUMF is a tricky one. This is not a conventional war against a sovereign nation in which victory is easily defined. Instead, we are fighting an ideological enemy that has no sovereignty and which, over the years, has moved all over the world, resulting in many splinter factions that could change their name at any time with ease.

This new kind of war requires a new kind of authorization, one that allows Congress's continued buy-in and increases its oversight. Right now, we have neither of these.

After working on this issue for several years, Senator TIM KAINE and I have introduced legislation that we think gets us in the right place. Our bill would authorize the use of military force against al-Qaida and the Taliban

and ISIS. It authorizes force against affiliates of those groups and requires the President to report to Congress when he initiates force against a new group he designates as being associated with al-Qaida, the Taliban, or ISIS. Military operations can begin as soon as the President has notified Congress. There is no time-lapse required.

If Congress doesn't agree with the President's designation, our bill allows a 60-day timeframe during which any Member can bring a resolution of disapproval to the floor under expedited procedures, and adoption of such measure by both Houses would result in the end of military operations against that group.

Our bill adopts the same process with regard to geography to allow Congress to disapprove of military operations in a particular country. I recognize that traditional declarations of war and other authorizations of military force haven't referred to a particular geographic area in which operations can take place. But all of our previous military engagements were against sovereign nations with armed forces, not terrorist groups that can pop up in any country at any time.

If Congress is going to authorize the use of force, we ought to know in which countries U.S. troops are operating. Requiring the President to notify Congress when he begins operations against one of these terrorist groups in a new country is an important check on the executive branch to ensure there is no overreach.

The bar for disapproving the President's decision is high—appropriately so. It would require two-thirds of the House and the Senate to disagree with the President on his decisions with regard to new associated forces or new countries.

Right now, Congress has very little to say over who or where our military fights. The only option available is to cut off appropriations, and history has demonstrated that simply is not realistic or appropriate.

The most recent example of this, as some of my colleagues will recall, was in 2011, when the Obama administration joined the NATO operation to help rebels in Libya topple Muammar Qadhafi. The administration never made the case to Congress as to what U.S. interests were served by U.S. involvement. As a result, many Members on both sides of the aisle publicly opposed our intervention in Libya.

Yet, when the clock ran out on the time constraints set forth in the War Powers Resolution, Congress did not turn off appropriations because we can't just pull the rug out from underneath servicemembers when they are in harm's way overseas. The ''turning off appropriations'' approach simply hasn't worked in the past and is not likely to work in the future.

We need real congressional buy-in and oversight over a conflict that has morphed considerably since 2001—and which we are now being told is morphing to a new continent. S.J. Res. 43 gives us just that.

I should note that the bill also includes a 5-year sunset. The sunset is not intended to serve as a notice that the war on terrorism will end in 5 years. It is there to require Congress to put its skin in the game by voting on authorizing force.

The administration has signaled its objection to this provision. They think that the war on terrorism could be undermined if terrorists think they just have to wait us out.

I worry more that the lack of congressional buy-in undermines the war right here at home. Seventy percent of Congress has no skin in the game at all. We are free to criticize the President, whether the President is Republican or Democrat. That is not right.

We ought to have responsibility here. We are the article I branch. We are the branch tasked with declaring war and authorizing use of force. We shouldn't shirk our responsibility. We can't let history repeat itself and go for another 16 years without voting for the use of force against terrorists. That is why I support a sunset on any new or updated AUMF.

Perhaps the best feature of the Flake-Kaine measure is that it is bipartisan. That is an essential feature. I think we can all agree that passing an updated AUMF along party lines is perhaps the only thing worse than letting the status quo remain. I commend the chairman of the Foreign Relations Committee, Senator CORKER, for signaling that we will move ahead with the markup of the new AUMF.

I think Flake-Kaine is a great start, but I am under no illusion that the process of putting a bill together that can garner widespread, bipartisan support will be an easy one. But the longer we wait, the higher the risk becomes that we will render ourselves irrelevant when it comes to authorizing force. That is a risk the Senate and Congress should not take.

I yield back.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, over the past decade, the American economy has generated enormous wealth for wealth holders but, painfully, less work and less pay—fewer good-paying jobs—for workers. Average folks are having a harder time keeping up with the ever-rising costs as the rich get richer and corporate stocks soar.

Our economy would surely benefit from the kind of tax reform that gives small businesses and working Americans a break, while asking the wealthiest among us to pay their fair share. ''Their share'' doesn't mean they are doing something illegal; it simply means that as wealth goes up and so much money agglomerates to the top, for the good of the society, the wealthiest should pay more.

Unfortunately, the Republican Party has decided to pursue a partisan tax bill that would spin our economy even further out of whack, lavishing tax giveaways on the wealthy and corporate America, while raising taxes on millions of middle-class families over 10 years.

A New York Times analysis found that next year, the House Republican tax plan would cause taxes to go up on one-third of all middle-class families. Those are families who make—I believe it is between $56,000 and $150,000. One out of three in that middle-class, upper middle-class group is going to pay more in taxes, while those at the highest end get huge breaks. By 2026, taxes would go up on nearly half of all middle-class families.

I want to salute someone I almost never agree with—Senator CRUZ. At least yesterday, he had the courage of his convictions to say that no middle-class person should pay more, even in New York and California. But that is not the case with this bill. Large numbers of people throughout the country will pay more. Large numbers of middle-class people and people struggling to the middle class will pay more.

So when Speaker RYAN says that under the House plan ''Everyone enjoys a tax cut all across the board,'' as he did yesterday, he is fibbing. I really want to use the ''L'' word, but to be nice, I won't. But Speaker RYAN, explain to us how you can say with a straight face: ''Everyone enjoys a tax cut all across the board.''

Every independent analysis and the more honest Republicans say that some middle-class people—a good number of middle-class people—get a tax increase. So Speaker RYAN, take it back. Start telling the truth about your bill. We know you are under pressure, but you have always been an honorable man, and this tax bill is tying you into a pretzel when it comes to telling the truth about it.

Look at what is done here. The personal exemption, which benefits large families, is gone. Yes, the standard deduction doubles, but if you have four, five, six children, you still pay more, even before they start whacking your State and local deductibility or your college loan deductibility or your healthcare deductibility.

Stunningly, the deduction for catastrophically high medical expenses is also gone, meaning that among the hardest hit under this plan would be some of the most vulnerable taxpayers. Eight million Americans deduct their out-of-pocket medical expenses because they are over 10 percent of their income. They plan their finances around this deduction. These families have someone with a chronic condition—maybe an elderly parent who has Alzheimer's, maybe a family with a young kid who has cancer.

I met a lady at the airport yesterday. Her name was Bridget. I didn't know who she was. She came over to me pleading. There was sadness in her eyes. She said: My son needs an orphan drug. It is very expensive. If I can't deduct the expenses, I don't know what I

am going to do. I won't be able to afford the drug. How can our Republican colleagues be so heartless and cruel? I know that you want to reduce taxes on corporations, but why do you have to do it at Bridget's expense?

Of course, the House bill takes an ax to State and local deductibility, a bedrock middle-class deduction that affects nearly every State but hits high tax States, like Virginia, the hardest.

Any House Republican who watched the returns in the Virginia elections last night must be shaken by the overwhelming Democratic turnout in suburban areas. According to pollsters, the No. 1 issue was healthcare, and this deduction goes. But overall, suburban Virginia said no to the Republican way. Suburban families will be the ones hit hardest by the elimination of State and local deductions in States like Virginia but also in Washington, New Jersey, California, Illinois, Minnesota, and Colorado.

Just last night, we learned from reporting that the Senate bill is likely to go even further regarding the State and local deduction—full repeal. There are some from my State in New York saying: Well, we have a compromise. A, the compromise still eliminates three-fourths of the deduction, but, B, that compromise is going bye-bye. The Senate is going to get rid of it. You can be sure it won't come back in a conference committee.

So I say to my House colleagues, particularly those from suburban districts: Stop the elimination of the State and local deduction now before it is too late. If it happens and you vote yes on this bill, you will be to blame. There is no way to duck and cover behind the SALT compromise any longer because the SALT tax writers have made clear that they want to repeal it entirely in the Senate. Because of the stricter Senate budget rules, the Senate language is likely to win out over the House language.

Make no mistake about it, a full repeal of the State and local deduction is coming down the pike one way or the other. Voting to advance the GOP bill is a vote to fully repeal State and local deductibility. I say to my Republican friends from all those suburban districts where a high percentage of people use the State and local deduction: If you think the results in Virginia and New Jersey were terrible for you, wait until you pass a bill that raises taxes on large swaths of middle-class families in your district.

The debate over the State and local deduction is illustrative of the central problem my Republican friends have with their tax bill. Every time you pull in one direction and change something to solve a problem, you have to push in another direction, and you end up creating a new one. It is like pushing on a balloon.

Just this morning, Speaker RYAN said the phaseout of middle-class deductions would never happen. They are only there to ''game the Senate rules.'' Well, if there is no phaseout, the real cost of the bill will be much higher. I say to my Senate friends who have talked about making sure we don't let the deficit go out of control that Ryan is saying we are going to let the deficit go out of control and game the Senate rules because the phaseout of middle-class deductions will not happen. If there is no real phaseout, the real cost of the bill will be much higher. It is a tough pill to swallow to anyone in this setting on the Republican side who believes in deficit reduction and who believes about $1.5 trillion—their rule—is about as high as you can go.

All of this is because our Republican colleagues are rushing this bill through. Something like this takes care. It takes hearings. It takes discussion. It takes experts. It takes affected groups all weighing in. That takes a while. That is how it is supposed to work. That is how the Founding Fathers wanted it to work. That is how we did it with the last successful major tax reform bill in 1986. I was there, and I know.

To rush a bill of this magnitude through the Congress in a span of a few weeks, with only one party doing the work, is reckless, it is irresponsible, and it will lead to a very bad result. It is why our Republican colleagues have such problems.

I repeat my plea to my colleagues on the other side of the aisle. Take a step back and consider doing tax reform the right way—bipartisan, through the committees, input from both sides. We have shown, as in healthcare, when we try, we can work together. The Senator from New Hampshire is on the floor. She was one of the leaders in that.

Earlier this year, we came to a good budget deal. Senators ALEXANDER and MURRAY put together a reasonable compromise on healthcare. We can do it again on tax reform. We Democrats want to do real reform, but our Republican friends must abandon this partisan, secretive, reckless process that will lead to no good for them and for the country and come to the table with Democrats.

One final point on the matter, Republicans repeatedly promised that the $1.5 trillion reduction in the corporate tax rate proposed by the Ryan-McConnell tax plan will lead the average American family to receive a $4,000 raise. Yet corporate profits are already at record highs. Wages are relatively stagnant. So color us skeptical that showering corporations with new tax brackets that will result in them having even more money will end up creating higher wages for workers. Far more likely what it will create is another round of stock buybacks and dividends, which, by and large, benefit corporate CEOs and the wealthy.

You don't have to take it from me. David Marberger is the executive vice president and CFO—chief financial officer—of Conagra, which I believe is a major Fortune 500 company. Here is what he told his shareholders this fall, the CFO of Conagra: ''In terms of if there is a corporate tax reduction and there's more cash, we bounce back to our capital allocation''—more stock buybacks.

Republicans think a corporate tax cut without guardrails would boost wages, and we disagree. Later this morning, Democrats will urge our Republican colleagues to put their money where their mouth is and prove us wrong. We will be offering an amendment that would snap back taxes to the old corporate rate if corporations actually fail to boost their workers' wages. It is that simple. Put your money where your mouth is. The only thing you are hanging your hat on, on this bill, which so hurts so many middle-class people is, well, everyone will get a big wage increase because we are reducing the corporate rate. We challenge you to accept our amendment. If the wages don't go up, the corporate decrease in taxes is repealed.

We are simply telling Republicans, don't write checks to corporations that their employees can't cash. If Republicans fail to support this amendment, they will confirm that their tax bill is a farce. They really don't believe it, when it comes to boosting wages for working Americans.

Mr. President, one final word on the nomination of Mr. Robb to the NLRB. The NLRB protects workers' rights to form or join unions, bargain collectively with their employers, and act concertedly for mutual aid or protection. It is not clear to me, from reviewing Mr. Robb's background, that he believes in the mission of the agency.

In his experience as a labor and employment lawyer, he has defended companies against workers' unfair labor practice allegations, age and sex discrimination charges, class action age claims, and wage claims. The website of Mr. Robb's law firm brags about his efforts to delay and defeat union organizing at the Millstone Power Station in Connecticut. He was the lead counsel on the notorious Reagan-era case, which decertified the air traffic controllers' union. That resulted in President Reagan firing 11,000 traffic controllers and barring them from Federal service.

The general counsel for the NLRB sets the priority cases and determines when to bring charges against employers. It is a crucial role. Peter Robb's record shows he is not up to this job, and he will not defend workers in an agency designed to defend workers.

I will be voting no and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

FOREIGN AGENTS REGISTRATION MODERNIZATION AND ENFORCEMENT ACT

Mrs. SHAHEEN. Mr. President, it is hard to read or to listen to the news these days without hearing about Russia's interference in our American democracy, its influence peddling, and about the misinformation that has

been spreading on social media. I have bipartisan legislation that would address an aspect of this. This legislation is cosponsored by Senator TODD YOUNG, and it is legislation that would give law enforcement the tools they need to create greater transparency about foreign individuals and entities that are operating in the United States in the interest of other governments. It would make it easier for the public to better track information they are receiving, particularly from governments that are hostile to the United States.

This bill would give the Department of Justice necessary authority to investigate potential violations of the Foreign Agents Registration Act, which is also known as FARA. We have heard a lot about that. This was legislation that was passed during the thirties, as there was fear about the rise of Nazism and Hitler in Germany and the effort to spread propaganda in the United States.

This would allow the American public to clearly trace where information is coming from and who is paying for it. I think, in this age of misinformation, that is especially important to the public.

At a time when our law enforcement officials, foreign policy experts, and leaders continue to grapple with the extent of Russia's intrusion into our democratic elections, this legislation is more urgent than ever. The need for this legislation is perhaps most clearly demonstrated by the case of Russian propaganda networks like RT America and Sputnik International. Both networks continually propagate and share content and programming that are designed to very subtly confuse and influence audiences worldwide. If you have ever listened to either of those channels, you will know there is just this subtle difference in how they present information.

In the United States, RT America is available on cable TVs across the country. It is considered to be one of the most high-profile assets in Vladimir Putin's vast $1.4 billion propaganda machine.

According to an assessment made public by the U.S. intelligence community in January, RT is the Kremlin's ''principal international outlet,'' and it is integral to Russia's information warfare operations across the globe. The Kremlin selects the staff for RT and closely supervises RT's coverage, including disinformation and false news stories designed to undermine our democracy. If you have any question about that, watch RT here. It is on the cable network here in the DC area.

RT News has publicly boasted that it can dodge our laws by claiming to be financed by a nonprofit organization and not by the Russian Government. Recently, the Department of Justice asked RT America to, in fact, register as a foreign agent. RT rejected an entirely reasonable request from the Justice Department to respect our laws. They refused to register.

How did we respond? Well, we continued to allow RT America to spread its disinformation and false narratives. This is unacceptable. We responded that way because we don't have the teeth we need in the law to be able to enforce it. That is what my legislation with Senator YOUNG will do. That is why it is so important. It would strengthen FARA by giving the Department of Justice authority to compel foreign organizations to produce documentation to confirm funding sources and foreign connections. This new investigative authority was requested by the Department of Justice, and it is supported by the Government Accountability Office, the Sunlight Foundation, and the Project on Government Oversight. This is a good government piece of legislation.

In fact, if this authority that we have in our legislation were in place today, the Justice Department could immediately investigate RT America and publicly expose its ties to the Kremlin. In the absence of such authority, all the Justice Department can do is ask RT to voluntarily adhere to FARA regulations and hope the propaganda outlet complies. What are the odds of that? Pretty slim. Clearly, based on RT's refusal to comply with FARA, the Kremlin is well aware of the limitations that are inherent in our law.

As we wait for this commonsense legislation to move forward, the Kremlin, RT America, and Sputnik continue to wield their harmful propaganda and attempt to influence the American public.

Since the publication of the intelligence community's January report on Russia's interference in our 2016 Presidential election, we have learned that Moscow spent millions of dollars buying ads on social media sites and search engines, often using the very clips that had been aired by RT on its YouTube channel.

Last week, representatives of American social media companies testified before Congress and illustrated the lengths the Kremlin went in order to deceptively spread divisive propaganda, all seemingly without a trace or any clear indication about the origins of these ads and RT's news blasts.

The misinformation included numerous reports run by RT News on supposed U.S. election fraud and voting. So they spread, and they clearly intended to spread confusion about our elections in 2016 to try and encourage people to believe our elections don't work, to undermine our election process. They talked about machine vulnerabilities. They claimed the results of U.S. elections could not be trusted and did not reflect the people's will. Sadly, too many people saw those stories and believed they were real.

These are not just random examples of fake news. These stories are part and parcel of a broader influence campaign designed and directed by the Kremlin's leadership and pedaled by government-funded trolls in St. Petersburg and other front organizations. So in the same way that Russia is building up its military force, its navy, its ability to operate in space, and its missile program, it has also built up its propaganda campaign in ways that are designed to undermine Western democracies. If we don't pay attention to this, then shame on us.

We are, of course, a resilient democracy. We are confident that our values and institutions will prevail in the free marketplace of ideas. Our Constitution, unlike Russia's, protects the right of individuals and organizations to spread Russian viewpoints, disinformation, and, even, outright lies. But no organization, including RT America or any other front outlet for a country that is hostile to the United States, has the right to conceal a foreign funding source and thumb its nose at requests from our Department of Justice.

The American people have a right to know if RT America is a Russian propaganda organization that takes its direction from the Kremlin. They have a right to know who is funding those programs and what kind of misinformation they are spreading.

To that end, I urge my colleagues to put an end to the Kremlin's charade by supporting the Foreign Agents Registration Modernization and Enforcement Act. Let's give the Department of Justice the tools it needs to investigate and expose RT America and to fight back against the Kremlin's interference in our democracy.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR VETERANS

Mr. BOOZMAN. Mr. President, I rise today to commemorate the courageous service and selfless sacrifice of our Nation's veterans.

Honoring our veterans is one of the greatest privileges I have as a Senator, which is why I often attend celebrations in Arkansas to acknowledge and salute some of the brave men and women who have served our Nation in uniform.

I recently had the pleasure to recognize the service and valor of 15 Arkansas veterans during the Arkansas Military Veterans' Hall of Fame induction ceremony. The class of 2017 inductees comes from all across Arkansas. These veterans served in conflicts ranging from World War II through the War on

Terror. Together, they have earned some of our Nation's most prestigious honors and commendations, including the Purple Heart, the Bronze Star, the Distinguished Flying Cross, the Legion of Merit, and the Silver Star Medal for gallantry.

I also had the opportunity to present three Arkansas veterans with the medals and commendations they had earned when I attended the Veterans Day celebration in Fort Smith, AR. I am proud of the work that we do to obtain the service medals and recognition that these heroes have earned.

We have also worked hard to honor the efforts of Mr. Errol Severe, of Eureka Springs, AR, as he strives to preserve and promote the role of joint service aviation cadets in the 20th century. Mr. Severe, an Air Force veteran, operates the Aviation Cadet Museum, which is the only museum in the United States that exists exclusively to celebrate the teamwork, collaboration, patriotism, and courage of the individuals who trained for and fought in the national aviation effort from 1917 to 1965.

As we recognize our veterans and honor the sacrifice and heroism of those who have been called to serve our Nation in uniform, we must recommit ourselves to fighting on their behalf. As a member of the Senate Veterans' Affairs Committee, I am committed to honoring the promise made to our veterans.

We have made tremendous progress during this Congress. In June, President Trump signed the Department of Veterans Affairs Accountability and Whistleblower Protection Act. This strengthens accountability at the Department of Veterans Affairs by allowing the VA to dismiss bad employees while protecting those who expose wrongdoing.

We are also continuing to improve the Choice Act. Earlier this year, we hosted listening sessions with Arkansas veterans to obtain their input on the strengths and the weaknesses of the program, as Congress continues to expand access to adequate healthcare options for veterans.

In addition, we enhanced the post-9/11 GI bill benefits to increase educational opportunities. I am proud to have played a role in crafting this law, along with my colleague from Oregon, Senator WYDEN. I am pleased that he can join me on the floor to recognize the importance of the provision we have championed for several years to fix an oversight that prevented combat-injured members of the National Guard and Reserve from receiving the same GI bill benefits as Active-Duty military members. This is a great example of Senators on both sides of the aisle working together to get things done.

Fixing this clear oversight in the law that unfairly penalized wounded and injured servicemembers and kept them from accruing educational benefits they rightly earned while in recovery was a priority for both of us because these men and women deserved better. To correct this injustice, we introduced legislation earlier this year, as well as in the last Congress, and I am pleased that it was included in the comprehensive GI reform bill that was signed into law this summer.

While we have made improvements, there is still more that needs to be done, including the expansion of VA services for female veterans. I encourage my colleagues to support the Deborah Sampson Act to address these concerns, and I urge VA Secretary Shulkin to implement reforms written in the bill that don't require congressional action. Our work must continue.

Today, my colleague from Indiana, Senator DONNELLY, and I will introduce legislation to allow veterans who served in Thailand during the Vietnam war era the opportunity to prove toxic exposure in order to qualify for VA benefits.

Let me take one more opportunity to thank our veterans and their families. This country made a promise to our veterans that we must live up to, and I am proud to be able to work for them to ensure that we follow through with our commitment.

The men and women who put their lives on the line in defense of our country deserve our undying gratitude. They also deserve our support when they transition back into civilian life, which is why we must support efforts to improve their health, their ability to further their education needs, and to pursue their dreams, just as they fought to make that possible for their fellow Americans. That sentiment is shared throughout this Chamber. For all of our disagreements in Washington, we truly do come together in support of our veterans. That is one area of agreement.

I thank Senator WYDEN for his leadership to ensure equal treatment of education benefits for wounded guardsmen and reservists. I was very proud to work with him in support of this efforts, and I look forward to working with him in the future.

Our guardsmen and reservists are called to defend and protect our Nation, exactly like Active-Duty members. So it is only right that they receive the same GI bill benefits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

RECOGNIZING THE NEBRASKA NATIONAL GUARD

Mrs. FISCHER. Mr. President, I rise today to recognize the men and women of the Nebraska National Guard. For more than 150 years, the Nebraska National Guard has been protecting our State and keeping our Nation safe.

Established in 1854, the Guard predates the founding of the State of Nebraska by 12 years, and those who serve in its ranks today carry on a proud tradition. Whenever the Nation calls, Nebraska Guard men and women have been at the leading edge, responding in times of military need and national crisis.

When the shadow of fascism spread across Europe in World War II, Nebraska's 134th Infantry Regiment was there to bring the light of democracy back to the continent, liberating the French city of Saint-Lo from Nazi occupation.

When terrorists struck on September 11, the Nebraska National Guard was there to answer the call. In the time since, over 10,000 Nebraska Guard soldiers and airmen have deployed to fight the War on Terror and serve in defense of our Nation. This means that in the last 16 years, there have been only 3 days when every Nebraska soldier and airman was at home with their loved ones. Saying no is not part of the culture of the Nebraska National Guard. When the Nation calls, there is no hesitation. They go where the mission requires them to go.

At this very moment, we can find Nebraska soldiers and airmen deployed all across the globe, protecting our great Nation. Whether it is the dozens of National Guard men and women who are currently conducting detainee operations at Guantanamo Bay or those preparing to deploy next year to key positions in the Pacific and the Middle East, our Guard stands ready to answer the call.

The Guard is also playing an important role in working with our allies abroad. Since 1993, the Nebraska National Guard has been linked with the Czech Republic through the State Partnership Program. As Eastern Europe emerged from the heavy hand of communism, the Nebraska National Guard was there working side by side with their military to collaborate, share, and assist, forging a lasting bond that remains strong to this day. This year marks the 25th anniversary of that partnership, and we are all extremely proud of the work our Guard is doing to help bring our democracies together.

That spirit of service extends to their operations here in the homeland as well. When hurricanes so tragically struck our neighbors in Texas, Florida, the Virgin Islands, and Puerto Rico, the Nebraska Guard was there to help. The numbers speak for themselves. In Texas, they rescued 461 people and delivered 142,000 pounds of cargo, 6,000 pounds of bottled water, and 1,000 pounds of medical supplies. During Hurricane Irma, 102 members participated in an aviation task force for support operations. Right now, 58 soldiers and airmen are providing assistance to the Virgin Islands and Puerto Rico.

The scope of their response to these disasters is a testament to their dedication and showcases the flexibility of the Guard's mission. Whether it is responding to domestic emergencies, overseas combat, or reconstruction missions, these men and women are there to respond with speed, efficiency, and strength.

One of the most impressive things about the Nebraska National Guard is that these are regular, everyday citizens who decided to answer the call to serve. They are our neighbors, our

friends, our spouses, sons and daughters, ordinary Nebraskans from every background who decided to put on the uniform and make a difference. That is why I am so honored to have a group of the Nebraska National Guard's men and women visiting Washington today. I wish to take this opportunity to personally thank them, their families, and loved ones who support them, and all of our National Guard soldiers and airmen for their good service. The Nebraska National Guard has seen a lot of change in its history, but one thing remains the same: They stand ready to serve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

GI BILL FAIRNESS ACT

Mr. WYDEN. Mr. President, one of the great privileges of this job and the honor of representing Oregon in the U.S. Senate is seeing the way Oregonians of all backgrounds and beliefs come together to support those who wear or have worn the uniform of the U.S. military. When it comes to honoring our veterans, Oregonians and so many across the country think in terms of patriotism, not politics and certainly not partisanship. There is not a Democratic or a Republican way to support our veterans; there is an American way.

Recently, I was very pleased to join Senator MORAN and Senator TESTER to introduce bipartisan legislation that would expand the presumption to veterans exposed to Agent Orange in the Korean Demilitarized Zone. The VA currently presumes that veterans who served in the Korean DMZ from 1968 to 1971 were exposed to Agent Orange, but there is evidence that veterans were exposed to toxins all the way back to 1967. Our bipartisan bill would extend the presumption date back, making it easier for veterans to apply for and receive care and benefits.

It is a good bill. It is a bipartisan bill. As we head to Veterans Day, I want to make it clear that I am going to do everything I can to make this bill law soon.

Given the fact that we will all be home this weekend, I also want to take a few minutes to discuss another bipartisan piece of legislation that is important to the welfare of our veterans and a proposal that recently became law.

A few years ago, I learned that wounded members of the National Guard and Reserve were losing out on benefits under the GI Bill for time they spent in rehabilitation and recovery. These are men and women who put their lives on hold to serve our country abroad, and when they suffered injuries in the line of duty, their time spent recovering didn't count toward GI Bill benefits, even though it did for Active-Duty servicemembers in the same situation.

I think it is an understatement to say that is certainly a real head-scratcher, to not stand up for our Guard and Reserve to make sure they are not losing out on benefits under the GI Bill for the time they spend in recovery and rehab. In effect, the Federal law was adding insult to injury by robbing wounded guardsmen and reservists of benefits they earned and should have been receiving all along. Estimates show that more than 20,000 servicemembers across our country were affected.

I approached our friend and colleague from Arkansas, Senator BOOZMAN, and he graciously agreed to team up with me. Senator BOOZMAN made it clear that a fellow from Arkansas and a fellow from Oregon were going to team up, leave the politics behind, and fix an injustice. We brought together a bipartisan group. We worked with the Committee on Veterans' Affairs, and we were able to get the bill across the finish line. As of now, wounded guardsmen and reservists will get the education benefits they have rightly earned.

Especially today, when people are asking about the divisiveness and polarization that now consumes so much of the political debate, I wanted Senators to know that I really appreciate Senator BOOZMAN always trying to be constructive and a problem-solver. And this is one problem that is getting solved.

The law will apply retroactively, meaning that eligible veterans who already lost out will be made whole. Because it is so counterintuitive for servicemembers to lose benefits for being wounded—just think about that, servicemembers losing benefits for being wounded—many of our veterans haven't learned they were missing out. They never knew they were missing out. That is why I am very pleased, as I know Senator BOOZMAN is, that our law applies retroactively to all service after the 9/11 attacks.

I think it is true that success has a thousand parents, and if I thanked everybody on both sides of the aisle for all the work that went into this important bill, we would be here until suppertime tonight. But I do especially want to thank our colleagues, Senators MARKEY and MCCAIN. They lent important support along the way, as did Chairman JOHNNY ISAKSON and Ranking Member JON TESTER. Representative MARK TAKANO of California has also been an exceptional advocate in the other body.

I also wish to give a special thank-you to MAJ Steve Warren, a Department of Defense fellow in my office at the dawn of the process. He is considered a real rock star in terms of working for veterans. He did so much to bring this injustice to light and then worked diligently toward a solution. I think it is the judgment of everybody involved that without Steve's inspiration and perspiration, it would have been hard to see this injustice fixed and our even being here today, as we head to Veterans Day, to talk about it.

I close by way of saying that in this time of partisan rancor and the back-and-forth that consumes so much of the political debate in Washington, I think what we have shown with this piece of legislation and its importance is that our veterans continue to be a unifying force. This good will comes from a deep respect for the All-Volunteer Force and for the sacrifices made by military families. It also stems from an appreciation for the role our veterans play in so many communities. In Oregon, our vets are small business owners, coders, mill workers, and educators. They help students at the Youth Challenge Program in Bend, and they help us fight fires. And suffice it to say, this year those fires were big, they were long, they were brutal, and we saw fires nobody could have even believed could happen, such as the one that jumped the Columbia River.

It doesn't mean that Congress, even with this legislation, always gets it right with respect to veterans. There is a whole lot more to be done, particularly ensuring timely access to top-quality healthcare through the VA or outside of it and ensuring that guardsmen and reservists get treated fairly and equitably.

I want to say this again on the eve of our taking time out specifically to honor veterans—although in our State, we believe that every day is really Veterans Day—I want to renew my pledge to the people of Oregon that I and my staff will keep working until our vets receive the care and treatment they have earned. We hope the success of our GI Bill Fairness Act demonstrates what can be done when the Congress sets aside all this business of trying to point score on partisanship and puts veterans first.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I come to the floor to do what the Trump administration has failed to do; that is, to stand up for working families and fight for an economy that actually works for all, not just for the richest among us.

On the campaign trail, President Trump made promise after promise to workers. He promised to put them first and bring back good-paying jobs to their communities. Yet, since day one of his Presidency, we have seen him do just the opposite. His administration has rolled back protections for workers and families and prioritized corporate profits over working families' financial security.

He has put forth nominee after nominee who puts industry interests above the needs of families, like William Wehrum, President Trump's nominee to lead the EPA's Office of Air and Radiation. Mr. Wehrum is someone who

has worked to undermine the core mission of the office he would oversee. He is a nominee who has demonstrated a willingness to side with protecting Big Business instead of protecting our Nation's most valuable resources and whose independence is truly in question.

Unfortunately, when looking at President Trump's record as a businessman, these decisions do not come as a surprise. President Trump spent decades as a real estate developer, cheating workers and contractors out of their hard-earned pay, and he refused to allow his own hotel workers to join together and advocate for safer working conditions and better wages.

President Trump's vision of our economy is one in which workers bear the burden, and the people who live in gilded towers get the benefit. The contrast with Democrats could not be clearer. Last week, Democrats rolled out an ambitious agenda to reform our labor laws to, once again, empower workers to join together, make their voices heard, and fight for better wages and benefits.

Currently, it is extremely difficult for workers to seek justice when corporations violate their rights, and if we want to rebuild the middle class, we have to change that because workers having the right to organize and join unions helped to build the middle class we have today. For many workers in the 20th century, good union jobs helped them to support their families and climb the economic ladder, but over the past few decades, our economy has worked in favor of corporations and those at the top. As corporate management and special interests have undermined workers in their right to collectively bargain, we have seen, of course, a decline in unions and union membership across the country. This has allowed President Trump and billionaires like him to take advantage of their workers, and it has given workers little recourse in standing up and fighting for better working conditions.

The preamble of the National Labor Relations Act clearly states that it is the policy of the United States to encourage collective bargaining to give workers a voice, allowing them to speak up for fair wages and safe working conditions, and it is the responsibility of the NLRB to ensure that workers' rights are protected so they are not taken advantage of. The NLRB gives workers the opportunity to file charges against corporations when they are illegally fired or retaliated against for exercising their rights, and because President Trump's own businesses have had complaints filed against them numerous times, it is so critical now that the Board is independent and committed to that core mission.

Unfortunately, I have serious concerns about Mr. Robb's commitment to that core mission and to supporting workers' rights so more families, not fewer, have financial security. Mr. Robb has spent most of his career as a corporate lawyer, representing Big Business and seeking to limit the rights that workers are guaranteed under the National Labor Relations Act—the very law he is now asking to be in charge of and enforce. He has defended companies against unfair labor allegations, age and discrimination charges, and unfair wage and hour claims. If he is confirmed, Mr. Robb will have the sole decision-making power as to which cases will be brought before the NLRB.

Given his long history of defending corporations, I don't believe workers can trust him to act with their best interests at heart or to stand up to President Trump and his vision of an economy that works for those at the top but that undercuts workers' wages, safety, and rights.

I will be voting no on Mr. Robb's nomination, and I urge my colleagues to do the same. I know every single one of my colleagues has spoken to working families in his State who feel left behind today—families who work full time and who are saving what they can. They are struggling to make ends meet. It is time that we stop prioritizing corporate profits and start focusing on those workers and our middle class. We can only strengthen our economy if we give workers a voice in it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Mr. President, as the world now knows, there was a tragic shooting in Sutherland Springs, TX, last Sunday, which took the lives of 26 innocent people and injured 20 more. On Monday evening there was a prayer vigil for those victims. The community gathered to pray and to pay their respects to the deceased.

There are two people in particular who were in attendance, whom I want to highlight: Stephen Willeford and Johnnie Langendorff. I mentioned them yesterday, and perhaps you have seen them on the news, but I have been thinking a lot about them lately. In addition to the tragedy, this was really one of the things that gives you a little hope amidst the terrible circumstances. Stephen, of course, is the man who responded to the shooter's rampage by grabbing his rifle and running toward the First Baptist Church. Johnnie drove the truck that chased the gunman down at high speed. In typical Texas fashion, these two gentlemen don't consider themselves to be heroes, but I consider them to be heroes. They said that they were just doing what needed to be done. Johnnie said it was an ''act now, ask questions later'' kind of deal.

I think we in Washington should take more of our cues from people like Johnnie and Stephen. We should show courage, track down anything that is not right, and do our very best to fix it. In particular, Stephen Willeford—maybe you have to be a Texan or an Alaskan to really appreciate what he did. From what I have read, he was an NRA-certified shooting instructor. He apparently heard the shooting at the church, grabbed his gun and went there and, basically, ended up stopping the shooter from killing more people.

The shooter apparently had accumulated enough ammunition to do a lot more damage than he did, but, thanks to the intervention of this concerned citizen, this person who was willing to put himself in harm's way actually shot the shooter and discouraged him from doing more. But for his actions, a lot more people would have died on that terrible, terrible Sunday.

The police can't be everywhere all of the time. That is one reason why, in my State and around the country, we believe that citizens ought to be able to defend themselves under appropriate circumstances.

We now know that the gunman was court-martialed by the Air Force and convicted of serious domestic abuse. Under current Federal law, this should have prohibited him from ever purchasing a firearm. The fact that it didn't means that we need to figure out why Federal law wasn't followed and make darn sure that the relevant information is always uploaded into the background check databases.

There were multiple errors—human and systematic errors—that should have prevented this shooter from ever buying a firearm. He unlawfully purchased four firearms that he wasn't permitted to purchase. Federal background checks did not turn up his Air Force conviction for domestic violence, a felony, for fracturing the skull of his infant stepson. These convictions were not uploaded on the NICS Federal database.

I plan to introduce legislation—and I have been talking to a number of colleagues on both sides of the aisle who are interested in providing a solution to this problem, but we are going to introduce legislation to ensure that all Federal departments and agencies, including the Department of Defense, upload the required conviction records. My legislation will also encourage to the greatest extent possible under the Constitution that State and local governments do the same.

We all remember the terrible shooting that occurred at Virginia Tech a few years ago by a person who had already been adjudicated to be mentally ill by the State, but because the State did not upload that information into the Federal database when he went to buy a firearm, there was no hit, no disqualifier that appeared that would have prevented him from buying that

firearm in the first place. We need to make sure those systems work every time.

What Sutherland Springs has exposed is that the Federal Government is failing to comply with reporting requirements. This is unacceptable, and it must change.

Yesterday, Gen. David Goldfein, the Chief of Staff of the Air Force, came by my office, and I am grateful to him for that. I told him that it must have been one of his worst days when he found out that the Air Force had failed to notify the Federal authorities of the information that would have disqualified this individual from buying a firearm. He appropriately expressed grave concern over the fact that the gunman's convictions were not sent to the NICS database. He pledged to get to the root of the problem, and I believe him.

It is worth noting that we have tried to address similar problems before, and we can do it again. In 2015, I introduced a bill called the Mental Health and Safe Communities Act, which addressed a related issue, and that was the failure of State and local authorities to upload valuable mental health records into this same NICS database.

I think there is a bipartisan willingness in this Chamber to work on problems inherent in the sharing of these records, and I hope my colleagues will join with me in supporting this new legislation once it is introduced. We are shooting for the first part of next week. We owe it to the men and women and the families of Sutherland Springs to make sure that our laws are enforced and that individuals like this shooter with a history of violence do not gain illegal access to firearms.

TAX REFORM

Mr. President, I want to address the work that the House Ways and Means Committee is currently engaged in and what we will be doing in the U.S. Senate to reform our overly complex, burdensome, and self-destructive tax system. I think there is a lot of momentum gathering each day.

Yesterday, Senator MCCONNELL, the majority leader, commented on our once-in-a-generation opportunity to overhaul our Tax Code. To accomplish this goal, both the House and the Senate are moving forward on different proposals.

This week, the House Ways and Means Committee completed its first 2 days of discussing the House bill unveiled last week called the Tax Cuts and Jobs Act. At the same time, the Senate Finance Committee is continuing its work too. Chairman HATCH will continue to guide the committee through an open process, and members will have the chance to engage in productive discussions and debate. That will start once the chairman's mark or the base bill is released, hopefully by later this week. Perhaps as early as next week, we will begin the process in the Senate Finance Committee of marking up that bill, with Senators offering amendments and voting on it. Once both Houses of Congress have completed their work, my hope is that we can get this bill on the President's desk by Christmas.

Some of our colleagues across the aisle, instead of contributing to the solution to this overly complex and self-destructive Tax Code, have been lobbing insults from their partisan bunkers, even though many of them have endorsed many aspects of the plans in years past. For example, early on, interestingly, there was criticism of our desire to make our global tax system more competitive so that more businesses will move their manufacturing facilities back to the United States and so that we can stamp more of their products ''Made in America,'' creating more jobs here. It is ironic because they were criticizing us for giving tax relief to businesses when people like President Barack Obama, back in 2011, had endorsed the very same concept, not to mention the ranking member of the Senate Finance Committee, Senator WYDEN, and Senator SCHUMER. All of them have endorsed similar proposals, yet they were quick to criticize us for doing exactly the same things that they themselves had previously endorsed. Unfortunately, our Democratic friends are quick to criticize our plans not just because they disagree with them on the merits but simply because it is our proposal and they are not interested in working with us across party lines.

This is really a shame and a lost opportunity. People are crying out for Democrats and Republicans to work together in the best interests of the country. Unfortunately, our Democratic friends are simply ignoring the urgency of the situation—the stagnation of American workers' wages and couples finding it harder to start families or, once they do, pay for a college education. As my friend the junior Senator from Florida, Senator RUBIO, wrote a few days ago in the New York Times, it is more than time to reconcile ''our social contract to the realities that working families face.''

The Tax Code has not been comprehensively overhauled since 1986. Now that some of us are trying to, the swamp is fighting back. It is important that we win this fight against the swamp—the special interest groups that try to come in and protect various special-interest tax provisions that make our code unnecessarily complicated, forcing us to look for additional revenue from other sources because they want to protect theirs at the expense of the rest of the country.

But the do-nothing approach of the recent past will not work. We can't let them stop us because hard-working families are waiting. They are waiting on us to quit stuffing our own pockets and start putting money back into theirs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 3:45 p.m. today there be 30 minutes of postcloture time remaining on the Robb nomination, equally divided between the leaders or their designees; that following the use or yielding back of that time, the Senate vote on the confirmation of the Robb nomination; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; finally, that there be 2 minutes of debate equally divided prior to the cloture vote on the Wehrum nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, Donald Trump has consistently made promises to the American people that he refuses to keep. He says one thing and does the exact opposite. His empty promises have already hurt millions of people across the country, from our seniors who depend on Medicare and Medicaid, to the LGBTQ community he promised to protect and Dreamers living in fear of deportation.

Now, with the nomination of Peter Robb to serve as the General Counsel at the National Labor Relations Board, or NLRB, Donald Trump has broken yet another promise—this time, to fight for and protect American workers. As an independent agency, the NLRB has an important mission to enforce our Nation's labor laws, protect American workers, and safeguard their right to organize collectively.

The NLRB's mission is not to ignore our Nation's labor laws, to go after American workers, or to weaken their right to organize. Yet Peter Robb's career has been dedicated to doing all the things that NLRB is not about.

Joining the anti-union, anti-worker forces, President Trump has consistently nominated people to the NLRB who are best positioned to destroy and undermine the core functions of the agency itself. Earlier this year, President Trump forced through two management-side lawyers to create an anti-worker majority on the NLRB.

Today the Senate is debating the nomination of someone who has spent his entire legal career fighting to screw over the very workers the NLRB is supposed to protect. If confirmed as General Counsel, Mr. Robb will be responsible for supervising nearly 1,500 agents investigating and prosecuting unfair labor practice cases and overseeing elections where workers decide whether or not to unionize. This is a position

of great consequence for millions of workers across our country, and they deserve someone much better than Peter Robb.

Mr. Robb has spent his career defending management and employers from workers fighting to form a union, unionized workers on strike, and workers who brought forward discrimination and disability claims. You don't have to take my word for it. Mr. Robb's biography on his own law firm's website tells the story clearly:

> [His] extensive experience includes advising on mergers/acquisitions, plant closings, labor contract negotiations (both large and small), managing lockouts and strikes, securing labor injunctions, discrimination issues and disability claims.
>
> His litigation includes defending employers from unfair labor practice charges, age and sex discrimination charges, class action age claims, and wage/hour claims as well as bringing suits against labor organizations. With such vast experience and a no-nonsense approach, Peter's clients look to him for sharp advice, rigorous representation and powerful litigation.

That is a description on his own law firm's website.

Mr. Robb cut his teeth busting unions and retaliating against workers as lead counsel at the NLRB in the early 1980s when President Reagan decertified the air traffic controllers union, fired 11,000 air traffic controllers, and barred them from Federal service. More recently, he represented Dominion Energy's successful attempt to defeat a union organizing campaign at a power station in Connecticut.

Management and corporations have a right to hire lawyers like Mr. Robb who will vigorously represent their interests, but Mr. Robb is certainly not the right person to lead an agency whose mission is to protect workers' rights, not to go after those rights tooth and nail. Mr. Robb's record clearly demonstrates that he will side with powerful corporations and special interests over workers who lack the resources to defend themselves.

Unions built the middle class in Hawaii and across our country. Instead of confirming another management protector at the NLRB, we should be working together to protect workers and make it fairer for them to form and to join a union, which is their right.

I urge my colleagues to join me in opposing this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AFFORDABLE HOUSING

Ms. CANTWELL. Mr. President, I rise to talk about the affordable housing crisis that is gripping our Nation. When I say ''crisis,'' I mean I know that people here are on the precipice of talking about what we are going to do in response to Hurricanes Harvey and Irma and Maria, and I would like to say, the housing crisis that will exist in the aftermath of those hurricanes is real, but there are also even greater implications from the housing crisis that exist today without those hurricanes, and it is only going to continue to grow and get worse until we deal with it.

This past February, more than 2,000 families packed into the New Holly Gathering Hall in South Seattle. Each family was hoping to hear its name called. It wasn't a contest. It wasn't a game. It wasn't the lottery. It was a lottery to see if families could get affordable homes.

The Mercy Othello Plaza would soon open 108 affordable housing units. That is hardly a match for the more than 2,000 families who were interested in trying to get into one of those affordable units. Based on the numbers alone, their chance of getting an affordable home was lower than an applicant's chance of getting into Harvard.

Ninety-five percent of the families attending that night left disappointed, continuing to search for affordable housing. This is just one story of how the affordable housing crisis is gripping our Nation. I am sure every one of my colleagues in the Senate could talk about a story they have heard in their State because this crisis impacts every State. It impacts every community, both urban and rural alike.

As I have traveled across the State of Washington, I have seen some of the most hard-hit areas for affordable housing. I even have veterans returning home not being able to find affordable housing. I have seen an aging population living longer and also not having the resources when looking for affordable housing. I have seen young workers who want to be close to where their employment is and yet having to drive so far away because that is the only place they could find affordable housing. We have seen homelessness in numbers that harken back to previous days when we had a true recession.

The most damning part of the housing crisis is, we know how to solve it. We just need the courage to act.

For decades, the housing growth was the most stimulative part of our economy. Throughout the 1980s, housing was 18 percent of GDP. Today that number has dropped to just 15 percent. When people discuss tax reform and GDP growth, housing is still one of the ways that economists will tell us that we can grow GDP.

In the sixties, seventies, and eighties, if somebody asked, How do we stimulate our economy, usually a cheer would go up for housing, but since the economic downturn, we haven't heard that cheer. In fact, it is almost as if we have forgotten how stimulative housing is to our economy.

The total number of houses built between 2007 and 2016 total just 8.9 million units, which is far below the 15 million-plus average for every 10-year period through the seventies and nineties. We are off the pace of what it takes to provide affordable housing. As a result, the vacancy rates and inventories of homes for sale have also fallen. The national vacancy rate—which is the number of homes for sale—has receded to the 2000 level, erasing all the runup we saw in the housing boom. Moreover, homeownership in the United States is now at its lowest rate since the 1960s.

Twenty million American families, including 11 million renters, are now spending more than half of their income on housing. That means less money for other essentials like food and healthcare and gas.

The National Low Income Housing Coalition tells us that 7.4 million more available affordable homes are needed because we have seen an increase of 60 percent since the year 2000 in the need for affordable housing.

So the United States has become a rent-burdened economy. If we don't address this crisis, the problem is only going to get worse. In fact, one study found that if we don't address this crisis, we are going to see another 25-percent increase in the number of Americans spending more than half of their income in rent.

I know my colleagues on the other side of the aisle in the House of Representatives are talking about what they want to do in tax reform. I would say they should look at this data as it relates to where we are with homeownership and housing and things that would eliminate the private activity bonds—one of the key drivers of affordable housing production. It would be a big mistake if they got rid of that. Obviously, there are units of affordable housing that are being planned and built right now. In fact, one estimate is that over 1,000,000 units wouldn't be completed just because of the House provision.

Obviously, limiting the mortgage interest deduction for new homeowners could potentially increase taxes on homeowners and thereby limit the number of people who could afford a home. Almost one-third of taxpayers nationally claim the property tax deductions. They could also see an impact to that. I hope our House colleagues and our Senate colleagues will see, in light of the housing crisis, what a terrible idea those things are.

How did we get to this crisis as it exists now? Part of the issue was demand. For starters, the 2007 housing crash pushed millions of families into the rental market and reduced wages on working families. The demand for rental housing skyrocketed.

Over 7 million Americans lost their homes to foreclosure, and they demanded more affordable places to live. Today the homeownership rate is the lowest in our Nation since the 1960s. The last 10 years have seen the largest gain of renters on record. The demand for rental housing shows no sign of slowing down.

Millennials, like many of the young people we see who want to be close to jobs in our burgeoning economy, are forced to rent instead of own. They are seeing that challenged, in big numbers, by the fact that there is not enough supply.

At the same time demand was going up from returning veterans, from aging seniors, from workplace needs, from many more people needing affordable housing after being pushed out of the homeownership market—at the same time demand was going up, supply failed to keep pace. Affordable housing stock is being, and was being, converted to market rate-based units. That means they got taken out of the affordability framework.

A new report found that the number of apartments being deemed affordable for low-income families dropped 60 percent over the last 6 years.

With all this pressure and demand of people falling out of home and back into the market and pushing things down, we saw so many units that were affordable units get transferred over to market-based rates and thereby losing supply.

The new production of affordable housing has not filled the gap, and production of affordable housing is at its lowest 10-year production rate on record since 1974. It, too, has played a role in this problem.

The combination of increased demand and lack of production has caused the explosion in our affordable housing crisis. The number of Americans facing extreme unaffordability—that means they are paying more than 50 percent—has gone from 7 million Americans to 11.2 million Americans. That is a 60-percent increase in the number of people in the United States who are in this area of extremely unaffordable rates for housing.

While I know we are going to discuss natural disasters and helping communities recover—everywhere from the families who have been impacted in Florida, in Texas, and various places—we also have to look at the issue of affordable housing everywhere from Seattle and Portland and San Francisco to all the way across the country, to Philadelphia and Miami and many other places.

In the aftermath of Katrina, Congress passed an expansion of the low-income housing tax credit, and it built 28,000 affordable units on the gulf. I know my colleagues will want to do something similar for Texas and the Gulf States to make sure we are doing something, but we need to understand that at the time of Katrina, there was a need due to more than 275,000 homes destroyed by that hurricane. Building 28,000 units was barely a blip.

The low-income housing tax credit helped rebuild some units, but it came nowhere close to solving the housing crisis in New Orleans. Market rates in New Orleans are 35 percent higher after the storm, and 37 percent of households are paying more than half of their income in housing. Now, 12 years later, another disaster has hit, and we are going to try to address this crisis, but the housing burden for extremely low-income families in Texas and the major metro areas of Texas is among some of the worst in the Nation. That was before the crisis. Before the actual impact of hurricanes, Texas was already at a crisis point.

Texas has only 29 affordable units for every 100 low-income households looking for those options. Houston is the third worst in the country for housing availability for extremely low-income people. Now families from Florida to Puerto Rico are going to also be finding a very difficult situation.

Expanding the tax credit could help, but we have to do more than just expand the tax credit for those disaster States. We need a very big systematic investment in affordable housing all across the United States, and expanding the low-income housing tax credit is one way to do that. The good news is, we have good bipartisan support for the low-income housing tax credit enacted in 1986. It helped build 3 million rental units across this country over the last 30 years. If you want to make a dent in this crisis, both in response to the hurricanes and the crisis that already existed, we need to begin filling that gap by increasing the credit.

That is why I joined Senator HATCH in introducing the Affordable Housing Tax Credit Improvement Act, something that would help us build hundreds of thousands of new units in the next 10 years. I am glad Senators WYDEN, PORTMAN, SULLIVAN, MERKLEY, SCOTT, BENNET, COLLINS, KAINE, HELLER, LEAHY, SHAHEEN, MURRAY, SCHUMER, MURKOWSKI, YOUNG, GRAHAM, SCHATZ, BOOKER, HASSAN, ISAKSON, and SANDERS are all supporters.

We have good, bipartisan support from people who understand that this crisis is real and that it is only going to grow. But we also know that the additional tax credit would create almost 450,000 new jobs over the next 10 years. That is because housing is stimulative to the economy. Construction alone supports over 2 million jobs. And it helps by making sure that the economic impact to GDP is realized now through this investment.

It also helps us save money as an economy and a country by putting a roof over people's heads. One of the reasons I was so excited to work with Senator HATCH on this was because in his home State of Utah, they made such great progress in dealing with their homeless veteran population. The community decided that by putting a roof over someone's head, they actually helped lower overall costs. One study found that placing people in affordable housing lowered Federal Medicaid expenditures by an average of 12 percent, and a University of Pennsylvania study found that taxpayers could save $16,000 per homeless person who was placed in affordable housing.

So we need to act. We need to realize that housing provides an investment in job creation and has historically contributed between 2 to 4 percent of GDP growth since the 1980s; that it is an underpinning of our economy; and that we need to make sure that our Tax Code works and make sure that people are purchasing homes as well as finding affordable housing.

As our colleagues deal with the end-of-the-year policy issues and deal with our response to these storms, I hope we will realize that this underlying crisis also needs attention. We have worked on a bipartisan basis in the past to address it, and we can work on a bipartisan basis in the future to both stimulate our economy and solve these problems.

Ninety percent of the affordable housing units being built in the country use these tax credits, so it is only by extending the tax credits, putting a roof over people's heads, that we are going to be able to deal with this crisis. The good news is, it helps us save money and it helps us with GDP growth.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Maryland.

NOMINATION OF WILLIAM WEHRUM

Mr. CARDIN. Mr. President, later today we will start the process of voting on the confirmation of William Wehrum for Assistant Administrator for the Environmental Protection Agency's Office of Air and Radiation. I take this time to urge my colleagues to reject this nominee and vote against his confirmation.

The EPA Assistant Administrator for the Office of Air and Radiation supervises national programs and policies for regulating air pollution and radiation exposure. Notably, this office administers the Clean Air Act.

As a member of the Senate Committee on Environment and Public Works, I once again find myself using my voice to say that science and public health, not partisan politics, should drive the confirmation process.

If confirmed, Mr. Wehrum is expected to play a leading role in dismantling climate change regulations. Since the Supreme Court decision in Massachusetts v. EPA in 2007 ruled that carbon dioxide and other greenhouse gases are dangerous air pollutants, OAR is the office that accepted the endangerment finding and developed the Clean Power Plan to address carbon pollution.

Given the Trump administration's own admission—or lack of suppression—in the latest update to the National Climate Assessment ''that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century,'' it should be common sense to nominate and confirm Administrators who care about our environment and our future, including acting on climate change. It is inexcusable to confirm those who disagree with that. I am not convinced that Mr. Wehrum will act on carbon pollution or any other air pollutant.

It would take an extraordinarily independent Assistant Administrator to resist the current course at the EPA under EPA Administrator Scott Pruitt.

We know that we have a challenge at the top. We need as the person to head this Agency a person of integrity who will stand up for what science tells us we need to do in protecting air quality. I would argue that Mr. Wehrum is not that person.

Let me go over some of the challenges we face.

For example, in January of 2017, the EPA issued itself a 6-month extension to respond to Maryland's Good Neighbor petition. The petition alleges that 36 powerplants in five neighboring States are preventing Maryland from meeting its own obligations under the Clean Air Act. That deadline expired with no EPA action on the petition.

On September 27, 2017, Maryland filed suit against the EPA.

On October 5 of this year, the Chesapeake Bay Foundation filed a similar lawsuit because pollution from powerplants is a source of nitrogen pollution in the Chesapeake Bay.

On October 27, 2017, the EPA denied a separate Maryland petition asking the EPA to add nine States to the Ozone Transport Region, alleging that these States contribute to the violation of the 2008 ozone national ambient air quality standards.

In its response to the petition, the EPA determined that expanding the Ozone Transport Region is ''not appropriate at this time'' because existing rules will achieve reductions in emissions. The EPA's response states that ''better-targeted approaches, such as those under the Clean Air Act's good neighbor provision, would be more effective in addressing the 2008 ozone targets.''

The EPA's reasoning to deny the Ozone Transport Region petition—that existing rules will adequately address transported pollution—is predicated on the sincere implementation of those rules. In fact, Maryland did utilize—we did utilize—a ''better targeted approach.'' Maryland filed a Good Neighbor petition last November that was ignored for 1 year, prompting the lawsuit against the EPA.

Based on his professional history and testimony, I do not have reason to believe that Mr. Wehrum will ensure that existing rules will adequately address air pollution. While he worked at the EPA during the George W. Bush administration, Mr. Wehrum attempted to direct the Agency's air requirements to favor markets, earning praise from industry groups he would later represent in private practice. How can we ask Mr. Wehrum to objectively administer the Clean Air Act after a career spent on one side?

Mr. Wehrum has 20-plus years working for the industry as a lobbyist. He has a record of ignoring science in the recommendations that he made. There are examples of where he absolutely disagreed with expert groups—just to give one example, the Academy of American Pediatricians' assessment on mercury and air toxins submissions. Mr. Wehrum took issue and disagreed with their findings.

He was seen as an unacceptable choice in 2007 when he was nominated to lead the same Agency by President Bush, and his nomination was withdrawn over Democratic opposition. So this is not the first time we have had a chance to deal with Mr. Wehrum for this position. In the interim, he has only continued his work to advance industry by advocating for weakening the Clean Air Act.

I will continue to stand up for the rights of Marylanders and all Americans to air that is safe to breathe and a climate that is livable, and all of us can help in that regard by rejecting this nominee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

TAX REFORM

Mr. BARRASSO. Mr. President, 1 year ago, the American people went to the polls. The American people demanded a change. They demanded a change from 8 years of too little economic growth and too much government control and regulations. The effect was immediate, and the effect was incredible.

In the past year, we have gotten a lot of very good news about the American economy. Right after the election, businesses became much more optimistic about the direction of our country and they started hiring. Last Friday, we learned that in the United States we have created more than 2 million jobs since election day 2016. Someone said to me: Well, you shouldn't count it from election day. You should count it from Inauguration Day. Certainly, in my home State of Wyoming, on election day there was a confidence, an optimism, a positive feeling that started just at the moment it was announced that Donald Trump had been elected President of the United States.

Right now we have the lowest rate of unemployment since the year 2002. We have seen the economy grow at more than 3 percent for the past 2 quarters. Consumer confidence just reached the highest level in almost 17 years. All of this is happening since President Trump was elected, and this is very good news for America.

We can't stop now. We have to do all we can to keep on this path toward a more prosperous country. Americans are optimistic because they know that President Trump is focused on easing the regulations that have held back our economy for the last 8 years. We know that government can create opportunity or crush opportunity based on a combination of regulations, mandates, and taxes. We are now in the land of opportunity, eliminating the regulations and pulling back on taxes to helping our economy grow.

The President has signed legislation that we passed in this Congress repealing one after another of the Obama administration's rules, regulations, and restrictions. President Trump has issued Executive orders cutting back on excessive redtape. President Trump has appointed very good people to important jobs who are committed to reining in Washington's out-of-control bureaucracy. All of these things are important and critical to keeping our economy growing.

Another big part is what we are trying to do now in terms of cutting taxes for the American people. People want to keep more of their hard-earned money in their own pockets.

Here in the Senate we now have a once-in-a-generation opportunity to cut taxes in a way that will actually help American families. We can help families directly by raising their incomes, and we can help them indirectly by growing the economy. Here is how we can do both, because that needs to be our goal.

The first thing we can do is to give people a raise by doubling the standard deduction. If we raise the deduction, people keep more of their hard-earned money, and it makes taxes simpler. Right now, the standard deduction for a married couple is $12,000. Two-thirds of Americans take this deduction. If we roughly double it, people will not pay any Federal income tax at all on the first $24,000 they earn. That is a big cut. It means that a lot more people will decide to take this deduction instead of having to go through the painstaking process of itemizing their deductions on their tax return. It saves them a lot of time, it saves them a lot of headaches, and it saves them the cost of accountants and lawyers who have to help figure out the very complicated tax system in this country. Millions of families will be better off just from this one tax cut alone.

A second thing Republicans are looking to do is to reduce the tax rate for small businesses, the people who are creating jobs all across the country. If someone owns a small business in my home State of Wyoming, she probably ends up paying the taxes on her personal tax return rather than on a separate business tax return. If we cut her tax bill, that is money she can then use to give her workers a raise, to hire more people, and to create more jobs in our community. She can put money back into the business to help grow the economy as well.

When you leave more money in people's pockets, they get to decide how to use that money—what they decide to spend, what they decide to save, and what they decide to invest. People are much better watching their own money than the government ever was, giving people value for that money.

So we want to make sure that tax reform includes a break for small businesses. Around here, they use the

words ''tax reform.'' To me, it is about tax reduction, tax relief, and tax cuts. Republicans also want to bring down the rates that Washington charges other businesses. If we can cut the rate businesses pay from 35 percent down to 20 percent, that could be an enormous boost to the economy. Economists who look at this say it is like giving the average American family a $4,000 a year raise. That is how much the average household's income would go up, because workers actually bear most of the burden of taxes that businesses pay.

Now, Democrats actually think the money belongs to Washington. It doesn't. It belongs to the people at home who earn it. Democrats often think that if you give Americans even a single dollar in tax cuts, you are taking away Washington's money. It is not Washington's money. The money belongs to the people at home.

We know the exact opposite of what the Democrats believe to be true. Republicans know that giving Americans a tax cut is the same as giving them a raise. Every dollar a family doesn't have to send to Washington in taxes is a dollar they can use for something better. It is a dollar they can use for food, for shelter, for kids, for education, for things that matter to their family. It is another dollar a small business can use to pay its workers more or reinvest in the business to help grow the economy in that community. Tax cuts mean that people decide how to spend their own money; Washington doesn't decide. Families know how to use money much better than Washington ever will.

As we debate these issues and ideas with regard to tax relief, we have an exciting opportunity to give the American people a raise and to give the American economy a boost. This is something a lot of people have been working on for a long time in the Senate. Over the past 6 years, the Finance Committee has held 70 hearings on how to make our Tax Code better for all Americans.

Republicans are working, and we are listening to make sure that we get the tax reform right that the American people and families need. When it comes to tax cuts, I believe the more the better. The more people who get a tax cut, the better. The more we grow our economy, the better. It is our job. It is about paychecks. It is about jobs. It is about prosperity. It is about a strong and healthy economy for America. That is what we as Republicans are committed to. We cannot let this opportunity pass.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, whether one is a progressive, a Democrat, a conservative, a Republican, or somewhere in between, there is a deep understanding in this country that we are living in a rigged economy, and people are increasingly angry and frustrated about the growing inequality and unfairness they see all about them.

It is hard to believe, but in the United States of America today, the top one-tenth of 1 percent now owns almost as much wealth as the bottom 90 percent—one-tenth of 1 percent, bottom 90 percent. A study came out fairly recently indicating that in the United States of America today, the three wealthiest people in our country—Bill Gates, Jeff Bezos, and Warren Buffett—now own more wealth than the bottom half of the American people. Three people own more wealth than the bottom half of the American people.

Meanwhile, while the very, very rich get richer, some 40 million Americans are living in poverty. These are people who are struggling today to figure out how they put food on the table for their kids, how they put gas in the car in order to go to work, how they pay their electric bills, how they deal with childcare. There are 40 million people living in poverty. The middle class is disappearing. People are working two or three jobs. For the first time in the modern history of this country, young people may well have a standard of living lower than their parents'.

On top of all of that, we remain the only major country on Earth that doesn't guarantee healthcare to all of our people. Twenty-eight million people today have no health insurance. Many more are underinsured. And if our Republican colleagues get their way, they are going to throw another 20 or 30 million people off of their health insurance.

It is not only the reality of grotesque levels of inequality that is making the American people despondent and angry; it is the reality that the people on top, with their wealth and power, can access lawyers and accountants who are able to manipulate the system to benefit themselves at the expense of everyone else. That is the essence of what a rigged economy is about and what I want to say a few words about today.

In my view, one of the great crises facing our world—and we are in a world of many crises—is the rapid movement toward international oligarchy in which a handful of billionaires own and control not just a significant part of the American economy but a significant part of the world economy. Needless to say, this is an issue that does not get a whole lot of discussion because, in general, the more important the issues are, the less discussion they get within the corporate media or within the political world that we live in here in the Congress.

Let me reiterate. One of the great crises that we face is that a handful of billionaires are moving this entire planet toward an oligarchic society in which the people on top not only have incredible wealth but incredible political power as well.

This last Sunday, a group of investigative journalists released over 13 million files known as the Paradise Papers exposing just how horrific this situation has become. These papers show how a handful of oligarchs in the United States and throughout the world get richer by hiding their wealth and their profits offshore to avoid paying their fair share of taxes. The list of individuals implicated in the Paradise Papers include billionaires such as the Koch brothers, Sheldon Adelson, Carl Icahn, and Robert Mercer. It includes large financial institutions such as Wells Fargo, Citigroup, and Bank of America. It includes large multinational corporations such as Apple, Nike, and ExxonMobil. It includes members of the Trump administration, such as Secretary of State Rex Tillerson, Commerce Secretary Wilbur Ross, chief economic adviser Gary Cohn, and Treasury Secretary Steve Mnuchin.

Let's be clear. Offshore tax evasion is a major problem not just for the United States but for governments throughout the world. This is really quite unbelievable. In the year 2012, the Tax Justice Network estimated that at least $21 trillion—$21 trillion, a number almost beyond comprehension—is being stashed in offshore tax havens around the world. Imagine that. There is $21 trillion flowing into tax havens in the Cayman Islands, Bermuda, Luxembourg—all these places around the world where the billionaire class and large corporations are stashing their money not only to avoid taxes in the United States but to avoid taxes in Great Britain, France, Germany, et cetera.

There is a funny thing about these guys. All of these billionaires love veterans, and they love the military. They want to see us rebuild the infrastructure, and they want to see our kids get a good education. But you know what, they don't want to pay taxes to make that happen. They want ordinary people to pay the taxes. Republicans here want to increase military spending by $50, $60 billion. It is not the billionaires who are going to pay the taxes on that—they have their money in the Cayman Islands. It is the working class, the middle class, upper middle class who will pay, not the billionaires. They love America—except when it comes to accepting their fair share to make sure that we continue to provide the services our men, women, and children need.

The situation has become so absurd—and this is really how crazy it is—that one five-story office building in the Cayman Islands is now the home of nearly 20,000 corporations. This particular building in the Cayman Islands is called the Ugland House. It is five stories. I know that you can squeeze people into a building—sometimes three or four people live in a room—but I think it is a little bit hard to understand how 20,000 corporations function in a five-story building. Of course the answer is that 20,000 corporations do not function in this five-story building.

It is all a fraud. It is simply a mailbox address for 20,000 corporations that are in this building in order to avoid paying their taxes. They are stashing their profits and their wealth in corporations that use this building as a mailing address.

I know we are busy talking about so-called tax reform here, but in the United States alone, offshore tax evasion costs our government about $166 billion in lost revenue each and every year. That is a lot of money that could be used to rebuild our crumbling infrastructure—our roads, our bridges, our water systems. One trillion dollars—that is 8 or 9 years of that $166 billion—could create up to 15 million good-paying jobs. That is money that could be used to provide universal pre-K for our children so that when kids get ready to go to school, they will be prepared to do the work there. But instead of cracking down on offshore tax schemes, President Trump and my Republican colleagues in Congress are working overtime to pass legislation that would make this absurd situation even worse.

At a time when corporations are making recordbreaking profits, my Republican colleagues want to slash taxes for companies that are shifting American jobs to China and American profits to the Cayman Islands. At a time of massive wealth and income inequality, President Trump and the Republicans in Congress want to cut taxes for billionaires by repealing the estate tax on families who inherit over $5.5 million. I think the American people grasp the unfairness and the absurdity of the Republican tax proposal.

The top one-tenth of 1 percent own almost as much wealth as the bottom 90 percent. The very, very rich are getting richer while the middle class is shrinking, and the Republican response is to give massive tax breaks to the top two-tenths of 1 percent—two-tenths of 1 percent. These are families like the Walton family, the wealthiest family in America, who owns Walmart, who would get up to a $50 billion tax break; and the Koch brothers, who have enough money to spend hundreds of millions of dollars trying to elect rightwing candidates to Congress.

There are massive tax breaks for billionaires and at the same time, an effort to throw up to 30 million people off of the health insurance they have, massive cuts in education, in nutrition, and in the programs that working families desperately need.

Instead of providing even more tax breaks to very profitable corporations and to billionaires and President Trump's Cabinet, maybe—just maybe—it might be a good idea to close offshore tax loopholes and demand a fair, transparent, and progressive tax system.

I hope the American people are catching on—as I believe they are—to what a fraud the Republican tax proposal is. Today, one out of five major, profitable corporations already pays zero in Federal income tax. You can't do much better than paying zero in Federal income tax and be a profitable corporation, but that is what is going on. Republicans want to make that even worse, and then they want millions of middle-class people, by the end of the decade, to be paying more in taxes. That is absurd, and I hope the American people stand up and demand that we do not go forward with that proposal.

HEALTHCARE

Mr. President, on another issue, I want to mention that there is a crisis in primary healthcare, and unless Congress acts immediately, that crisis is likely to become much worse. Millions of Americans are at risk of losing their access to healthcare because Congress has still not renewed funding for the community health center program, which expired on September 30.

Our Nation's community health centers provide affordable, high-quality healthcare to more than 27 million people. What community health centers do is not only provide high-quality primary healthcare but also dental care, mental health counseling, and low-cost prescription drugs. Community health centers not only save lives, they also end up saving money. What they do is keep people out of emergency rooms and keep people out of hospitals because people can now go to the doctor when they should. The savings are also, really, quite significant. Investing in community health centers keeps people healthier, keeps people alive, and saves taxpayers' money.

Not only do we have to renew funding for the Community Health Center Program, but we must also improve and expand the National Health Service Corps, one of the, really, very positive health programs that the Federal Government runs. What this program understands is that for a variety of reasons, including the fact that many young people leave medical school being $300,000, $400,000 in debt, it is very hard to get young doctors, dentists, nurses, and nurse practitioners to underserved areas in rural America or in urban America. What this program does is provide debt forgiveness and sometimes scholarships for young graduates of medical school or nursing school or dental school and says: If you are prepared to practice in an underserved area, we will forgive your loans. That is a big deal in attracting providers to areas in which we desperately need them.

The bad news is that, as every American knows, this Congress and this country are very politically divided. That is no great secret. The good news and the truth is that in terms of community health centers—Senator Ted Kennedy was one of the founders, who worked with Republicans—from the inception of the program, there has been a widespread understanding on both sides of the aisle that communities all over America in every State in our country are benefiting from community health centers whether they are in rural areas or whether they are in urban areas or anyplace else in between.

What I am very happy to note is that there is excellent legislation—bipartisan legislation—here in the Senate, introduced by Senator ROY BLUNT and Senator DEBBIE STABENOW, that would reauthorize these successful programs for 5 years and provide modest increases in their funding. This program not only has the support of virtually, perhaps, every Democrat or every Member of the Democratic Caucus, but I think it has at least 9 or 10 Republican cosponsors. I believe, if that bill were to be brought to the floor of the Senate, it would pass with overwhelming support because every Senator here knows of the excellent work that is done by community health centers from one end of this country to the other.

I hope that this issue will get the attention it deserves. It should have been funded at the end of the fiscal year. It wasn't. I just talked to a physician in Burlington, VT, who works for a community health center. They are worried, and doctors and nurses all across this country are worried, as are patients, about the lack of reauthorization of this very important bill.

I hope that this bill will get moved very quickly along with the CHIP program. There is bipartisan support for it, and I hope that we can get it to the floor and get it passed as quickly as possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS DAY

Mr. BLUNT. Mr. President, this coming week will mark Veterans Day. It is an important time for us to reflect on what veterans do for us and what their families do for us. The sacrifices of both those who serve and those who support those who serve are incredibly important.

We have half a million Missouri veterans, and one of the great privileges of this job is to get to represent them, their values, and the commitment to freedom in our country that they stand for.

A couple of weeks ago I had the opportunity to welcome a group of southwest Missouri veterans who came to Washington with the Honor Flight program. I think the Presiding Officer also does this, but every time I get a chance, if there is an Honor Flight from our State, I try to get down there because it is a great time to see and to talk to and to thank those who have served us.

When the Honor Flights started 20 years ago or so, there were still some

World War I veterans coming, and then they were almost all World War II veterans. Today we see some World War II veterans, Korea veterans, and Vietnam veterans, all of whom serve in the great tradition of being willing to fight for the freedoms that we enjoy every day. I find it humbling and gratifying to know that those veterans get to come here and enjoy the day with each other. In many cases it is the first time they have ever been to the Capitol, the National World War II Memorial, Arlington, and the other places on the trip that now so many tens of thousands have taken.

Many of those veterans whom I saw the other day and whom I have seen through the history of the Honor Flight program were just teenagers when they answered the call to serve—basically, a little more than high school kids who knew that something needed to be done and they were able and willing to do it. They fought difficult battles and, in some cases, often under unbearable conditions. Some of them lost their closest friends in the military. Many of them lost comrades in arms. Some of them lost comrades right beside them. Some of them lost people who went out on another mission and never came back. Some of their families lost a servicemember who never became a veteran.

I was down in Perryville, MO, a little town between Cape Girardeau and St. Louis, on the Mississippi River. They are building an exact replica of the Vietnam Veterans Memorial—the Vietnam wall. We were able to present a flag to the group that raised the money and made the plan to replicate the Vietnam Veterans Memorial on the Mall to take it back and become part of the Vietnam memorial at Perryville.

Our veterans are an extraordinary group of men and women. They really stand for the best we stand for as a nation. It is important that with not just honor them on Veterans Day but honor them every day—every day that we live in this free and prosperous Nation that they helped defend.

Admittedly, it is hard not to take all of the freedoms that we enjoy for granted because generations of Americans have been willing to fight and die to protect those freedoms. Because of that, generations of Americans have benefitted from those freedoms, and it seems to us the way people should be able to live everywhere. Maybe too often we think it is the way people do live everywhere, but in many parts of the world, having the security to walk out the door every morning, to drop your kids off at school, to go to work and earn a living, to worship as you please, and to build a better life is not available to people in other countries the way it is here. That is the debt of gratitude we owe to our veterans.

This year, one of the areas of great legislative success has been in the work for veterans. Chairman ISAKSON of Georgia is going to follow me on the floor in just a few minutes. He is the chairman of that committee. He has a great committee, but they have a great chairman. That committee, with its chairman, and the committee in the House have passed eight bills, at least, that the President of the United States has signed into law that do a number of things for our veterans.

We have built on previous progress for improving veterans care. A few years ago, we made the decision that veterans need to have more choices. A veteran shouldn't have to drive by a hospital they would like to go to in order to get to a hospital miles and miles away. They shouldn't have to pass three or four facilities that could do as good a job or better in order to get to a veterans facility.

There are some things our veterans facilities should do better than anybody else. They should be better at dealing with post-traumatic stress better than anybody else, although they may not be as accessible. They should be better at dealing with patients who have suffered from IED attacks, eye injuries, people who work with veterans in prosthetics, and those patients who have lost arms and legs in the service of our country. They should be pretty good at that. There is no particular reason they should be good at open heart surgery or kidney dialysis or all the other things you go to the hospital for, if that is where a veteran wants to go. We found out that a lot of veterans would rather go closer to home. A lot of veterans would like to go to the hospital they are more familiar with when they need their own healthcare. They would like to go to the hospital they have been to lots of times with other family members and others.

So we really expanded the Veterans Choice Program and expanded the money available for that program. We try to create these opportunities side by side with an existing facility. There has to be some startup money involved, but, eventually, I think our young veterans will find that they can almost always find a hospital they would rather go to or a doctor they would rather see.

We have increased compensation for veterans with service-connected disabilities. World War II veterans, such as Arla Harrell from St. Louis, who suffered a lifetime of illness because he was part of a mustard gas experiment, is finally getting both compensation and the recognition that throughout his lifetime his health was impacted by something that happened while he was serving his country.

We have continued efforts to address the problems at the Veterans' Administration by passing legislation to modernize the outdated benefits claims appeals process to make it easier for VA employees to be fired for misconduct.

We want to protect employees who point out what is wrong. There have been plenty of whistles being blown at the VA over the last decade. While we want to be sure people can blow those whistles, we also want to be sure that the VA can quickly and effectively remove employees who are not doing what they ought to be doing and, in fact, are aggressively doing, in some cases, things they shouldn't be doing.

We worked to expand the possibility and the opportunity for education benefits by expanding what can happen under the post-9/11 GI bill, helping to connect veterans with employers who provide benefits and programs. The HIRE Vets Act, a bill I sponsored in the Congress, was part of the first major pieces of legislation the Congress passed this year. I think that, sometime in the next few weeks, the Department of Labor is going to be talking about how we will recognize and evaluate employers who hire veterans, who give veterans credit for skills they learned in the military, and who promote veterans. To every employer who hires veterans, that is a good thing and we should want to do that. The HIRE Vets Act, like the LEED standard for energy, creates a standard so that we can recognize companies that do that in a significant way. I am pleased that Secretary Acosta in the Department of Labor has put that on a fast track so these companies can be recognized for what they do.

Our veterans have worked hard and have put themselves in danger to keep us safe. As legislators, we owe them, as we owe those who follow in their footsteps, our continued efforts to ensure that those defending our country have everything they need and to show that we are also grateful to those who have defended our country in the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to thank Senator BLUNT, the distinguished Senator from Missouri, for his eloquent remarks on veterans and in support of all the things the Presiding Officer and I have tried to do on the Veterans' Affairs Committee and for pointing out the many reasons we in America are so proud of the veterans in service, who allow you and I to be here today. Were it not for our veterans, this Republic would not exist.

I was wondering how I would start out this speech. I did an interview with a reporter who wanted to ask me a number of questions about the current administration and what we were doing for veterans. It turned out to be a 35- or 40-minute interview.

I said I had to go, and he said: I have one more question for you.

This was by phone. So I couldn't look him in the eye, and he couldn't see me.

He said: I have one more question for you.

When you hear that from a reporter, that means the zinger is coming.

He said: Don't you think we could save a lot of money if we didn't fight in any more wars?

I thought for a minute. I said: We probably could, but there wouldn't be any reason for you and me to exist if we didn't fight any more wars, because

America is the place where everybody wants to be because we are safe and we are free and we are independent, because we fight and defend what we have as a country. I thought I would bring that up in my speech today because that is the reason we celebrate veterans today. So we give thanks to the men and women who volunteer, who served our country in the wars overseas, in the battles overseas, and, sometimes, in the challenges domestically to protect us and keep us free.

America is a great country. We don't find anybody trying to break out of the United States of America. They are all trying to break in and for a very good reason. It is a safe and free place to raise a family, to start a business, and to serve in many other ways.

So this year, on the 11th day, at the 11th hour and the 11th minute of November, when we celebrate Veterans Day, pause for a minute to say thanks for those who have come and gone and for those who are still here who fight to serve and protect us.

Always remember that the Congress, shortly after the end of World War I, decided that the 11th day—the day the armistice was signed—of the 11th month, November, with the 11th hour being 11 o'clock in the morning, would be the time the bell would toll to celebrate and pay tribute to those veterans. So at 11:11:11 this November 11, we are all going to toll that bell one more time to give thanks for our veterans for all they have done for us and for all they will do for us in the future.

It is best, when you talk about veterans, to talk about them as the people they were and the people they are, whether they are alive or whether they have passed on. I want to talk about two veterans whose paths have crossed my life to point out why we owe them so much and why we have so much to be thankful for. One of them is Jackson Elliott Cox, III of Burke County, GA, which is the Bird Dog Capital of North America. It has raised and trained more bird dogs than anywhere else in the country. It is the home of a nuclear power plant, the Plant Vogtle. It is a beautiful rural county in Georgia.

Jack was my best friend in college. We met in 1962; we graduated in 1966. I will never forget that the last time I saw Jack was when he was shipping out to go to OCS in the Marine Corps. Jack had decided when he graduated that it was more important for him to volunteer and fight for our country because of what was going on in Vietnam than do anything else, so he voluntarily joined the Marine Corps, went to OCS, got his commission as an officer, and became a captain in the U.S. Marine Corps. He fought and he died in Vietnam.

I will never forget the last words he told me when we put him on the bus from Waynesboro, GA, to Atlanta, ultimately, to be shipped out. What he said is: Johnny, I am sure I am coming back. Don't worry about me. Just pray for me. But in case I don't, make sure people remember who Jackson Elliott Cox III was.

I said: Jack, I will do that.

Sure enough, 2 years later he was shot and killed by a sniper in Vietnam. He lost his life at the age of 24. He was the finest human being I had ever known, the nicest guy I had ever met, and my favorite friend in all of my life. He was taken from me because he volunteered to serve and fight for our country.

I am going to keep today on the floor of the U.S. Senate the promise I made to him at the bus station. I want you to know who Jackson Elliott Cox III was. He was a good old country boy from South Georgia who volunteered to serve his country and risked his life and gave his life so that you and I could be here today.

There are thousands of Jackson Elliott Coxes all over the world. In fact, there are millions all over the country. There are hundreds of thousands of them, and we have so much to thank them for because less than 1 percent of our population has worn the uniform, been in the battle, and fought to save us and protect us as Jackson Elliott Cox did.

When you have your chance to meet and become friends with a veteran—and all of you will—remember you owe them a debt of gratitude. At some time, when you get the chance to pay that debt back, do what I am doing today. Don't let their memory ever be lost or forgotten no matter where you go or where life takes you because you wouldn't get to where you are going, had they not allowed you to be safe and free to travel that route.

The second name I am going to mention is Noah Harris. Noah was from Ellijay, GA. Noah was a cheerleader at the University of Georgia. On September 11, 2001, he turned on his television to see 3,000 innocent citizens, most of them Americans, die in the Twin Towers when al-Qaida and Osama bin Laden and the axis of evil attacked our country, took our innocence, killed our people, and changed the world forever.

Noah was a cheerleader. We don't have a mandatory draft anymore. You don't have to serve, and he was not serving. He was going to graduate in a year and a half. He wanted to be an architect.

The next morning, after 9/11, when he left his dorm, he went to the Army ROTC building at the University of Georgia campus. He walked in and said: I want to go to OCS. I want to go. After what I saw on TV last night, I want to go fight and get the people who did that to my country and my friends.

They said: No, Mr. Harris you can't do that. OCS is a 2-year program at the university, and you are graduating next year. You don't have enough time to do it.

He said: I will double up on my studies. I will do whatever. I want to go. I want to fight for my country and fight the axis of evil.

They let him in, and he did. He graduated with honors. A few months later, he graduated as second lieutenant from the U.S. Army at Fort Benning in Georgia. Before too long, he was in Gazaria in Iraq, a suburb of Baghdad, handing Beanie Babies out of one pocket while the other pocket of his field jacket had his ammunition. He was trying to win over the hearts of the Iraqi children while he was fighting to preserve freedom for them and return their country to some form of a democracy or republic, away from the captives of Saddam Hussein.

I knew Noah casually. I know his parents well—Rick and Lucy Harris. I know they have mourned every day since they lost Noah in Baghdad when he died in an IED accident, but I know how proud they are of what he did and why he did it. I am proud he was my friend, and I am proud to have known him as well. I am proud to be able to stand on the floor of the U.S. Senate today and talk about Noah Harris and talk about Jackson Elliott Cox, who were exemplary of all the others who have served in the military—men and women, rich and poor, Black and White, who have gone and fought the battle and borne the battle for us so that we could be where we are today.

It kind of reminds me of the person who went to Benjamin Franklin in Philadelphia shortly after the Constitution was adopted in Constitution Hall and said: Mr. Franklin, what have you given us?

He paused for a minute and said: ''A republic, if you can keep it.''

We have kept it. We have kept it because we have subscribed to the Constitution but also because we have a militia and a military. We are willing to fight for what we believe in, protect our citizens, and keep our country free. The country that our Founding Fathers gave to us, that was nurtured in the early days of this Republic, which now is hundreds of years old, is still there today for lots of reasons but, principally, the undergirding foundation is a strong and vibrant military.

When Veterans Day comes, give thanks for the veterans you know. Mention a couple of them, as I have done here, so their memory and their names never die, but also so we can lift them up at a time when we pause for just a minute to say thank you for the greatest country on the face of this Earth.

Senator BLUNT talked about our committee and what we have done this year. I want to take just a minute to reiterate some of the things he said. There are no Democratic veterans and no Republican veterans; there are only American veterans. They don't go to the battlefield as a partisan; they go to the battlefield as an American, and they fight for us whether we are Republicans or Democrats. They risk their own life and sometimes sacrifice it so that we can do what Ben Franklin said: Keep that republic. We owe them a lot. In fact, in many cases, we owe them everything.

We have had a mess at the VA in the last 10 years. They have been the lead story on USA Today more than any other agency in the government for failures of the VA to do the job that should have been done. Under David Shulkin, the Secretary of the VA appointed by President Trump, under the leadership of our committees in the House and the Senate, and under a commitment to bipartisan service by all our Members—which means we do almost everything unanimously and, if not unanimously, almost unanimously because it is not about getting Republican credit or Democratic credit; it is about doing the right thing for the right people who have done so much for us—we passed the Whistleblower Protection Act this year to give whistleblowers in the VA the protection they need to go and turn in to the authorities those employees in the Veterans Administration who are not doing their job. We have given them the safe harbor they need to encourage them to help us root out problems, and we are doing that.

We passed the accountability bill to shine the light of sunshine on the employees of the VA and to give the authorities in the VA the ability to terminate and fire, if you will, for cause an employee who is not doing the job they should be doing for our veterans. So we hold a standard of accountability up a little higher for our employees in the Veterans Administration.

We are magnifying choice so that our veterans can have more choice in their healthcare. We can use the private sector as a force multiplier so that the government doesn't have to hire all the doctors and physicians and assistants to service the VA. We can get them in the private sector as well.

In the 21st century GI bill, we finally made sure that the GI bill applies to everyone, not just World War II or Vietnam war-era veterans but veterans of all conflicts and of all times.

We have done everything we can to see to it that the benefits, which we promised them would be there when they left the military, are there for them in retirement and in their later life. The sacrifices they make are great, and the sacrifices we have made to save our veterans are great.

Today veterans come home from the battlefield 90 percent of the time when they are wounded. They come home, whereas, in World War I, 10 percent came home, and 90 percent died on the battlefield. But because of the advancements we have made in armor and protection and healthcare services, a lot of veterans today live when they would not have lived just 25 or 30 years ago.

The injuries they sustain are far greater than any injuries we have known in warfare before. The signature illnesses are PTSD, post-traumatic stress syndrome, or traumatic brain injury or a prosthesis for an arm or a leg or an eye or some part of the body that is lost in battle. But the trunk of the body is protected by new Kevlar vests that are impenetrable by a bullet, so most of them succumb to IEDs and explosives and things of that nature.

We have the healthcare to provide them with the best possible rehabilitation we can, but you can never really replace a leg or an eye or a body part. Once somebody has sacrificed it forever, they wear the burden of the battle and of war.

We have an obligation, as the Veterans Administration, as the Congress of the United States in the House and the Senate, to see to it that we back up those promises our recruiters made when they came to join the military, to see to it that they get those services from their Veterans Administration.

Dr. David Shulkin is doing a phenomenal job. My ranking member, JON TESTER, Democrat from Montana, is doing a fantastic job. The House committee is doing a great job. The Members of the Senate are doing a great job.

In a week and a half, we are going to have our final bill of the year which, when we pass it, will make us 8 for 8. We will have totally reformed the VA and worked with the VA to reform it in such a way that our veterans get better service, our taxpayers get more accountability for the dollars we spend, and America remains the great country it has always been—safe and free because of those who volunteer to fight and are willing to die on behalf our country.

So sometime on the 11th day and, hopefully, at the 11th hour and the 11th minute of that hour on November 11, you will pause for a minute and remember I told you that is when we celebrate Veterans Day because, at the time the armistice was signed in World War I, our country decided that would be the perfect time to remember all those who have fought in the past.

Let's look around, and every time we see a man or woman in uniform, stop and say ''Thank you for your service'' because those are the people who are risking their lives so that you and I can do whatever it is we choose to do in this land of the free and home of the brave.

There are lots of things to be thankful for but nothing more important than the men and women of the U.S. military. May God bless our country, may God bless our veterans, may God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am very pleased to have the opportunity to speak today on the floor of the Senate after my esteemed colleague from the State of Georgia. My colleague is the chairman of the Veterans' Affairs Committee, and I just want to express my appreciation for his commitment and his work on behalf of all of our great veterans.

Like him, I rise today to speak in tribute to our veterans and men and women in uniform and all that they do for us.

This weekend at events across the country, we will pay tribute to the fine men and women who have served in our Nation's Armed Forces. Every day—but especially on Veterans Day—we honor these soldiers who have left the comforts of home and family to defend our freedoms and fight for our way of life.

Our freedoms have been secured by the sweat and sacrifice of courageous men and women who, throughout our history, have bravely done what was needed to protect our great Nation. We also recognize that those who serve do not serve alone. We appreciate, too, the sacrifices of the families and the loved ones who have supported our veterans in their service.

This Veterans Day, we will honor military members from our ''greatest generation'' to those men and women fighting in the War on Terror today. These Americans understand best the words of President Ronald Reagan when he said:

> Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

These men and women who have fought for and protected our country have given so much, and we cannot do enough to thank them, whether they returned from Active military duty 7 days ago or seven decades ago.

Although we can never repay our debt of gratitude, one of the most tangible ways we recognize our veterans' service is by providing these men and women with quality healthcare and support services, including education and work opportunities. With that debt in mind, let me briefly outline some initiatives that we have been working on to provide for our veterans. Congress has passed significant veterans bills this year, including legislation that holds the VA accountable and ensures that VA employees are putting our veterans first and legislation that updates and modernizes the VA's benefit claims and appeals process, reducing wait times for our veterans.

Additionally, one of my top priorities is ensuring that our veterans have access to healthcare options closer to their homes and their families.

This includes improving veterans' access to services under the Veterans Choice Program and building on the success of the Veterans Care Coordination Initiative at the Fargo VA Medical Center in my home State. This effort has decreased the wait time for scheduling an appointment under Veterans Choice from 24 days a year ago to 5 or 6 days at present. This initiative can serve as a model to help address delays in scheduling appointments through the Veterans Choice Program across the Nation.

We invited Secretary Shulkin, from North Dakota, to see this firsthand, and our Veterans Care Coordination Initiative has since been expanded to

the VA facility in Helena, MT, as well. We believe it will be expanded to other locations across the country.

We also passed an extension of the Veterans Choice Program earlier this year and secured $2.1 billion in additional funding for the program. This gives us time to work with the VA on the next phase of the program. In addition to Veterans Choice, we are working to improve local access to long-term care for our veterans.

We secured a commitment from Secretary Shulkin to work with us on the Veterans Access to Long Term Care and Health Services Act. We have now introduced this legislation in the Senate, and a companion bill has been introduced in the House of Representatives. The legislation would remove burdensome redtape that prevents nursing homes and other healthcare providers from accepting veteran patients. Our bill allows the VA to enter into provider agreements with qualified healthcare and extended care facilities, bypassing complex Federal contracting requirements. This will give veterans more options to access long-term care services closer to their homes, their families, and to their loved ones.

In addition, earlier this year, Congress passed—and the President signed into law—the forever GI bill, which improved and extended veterans' access to education and workforce opportunities. This is part of our efforts to ensure that we are supporting our veterans as they transition back to civilian life and work here at home. These are just a few examples of our efforts to ensure our veterans have the resources and the support they have so richly earned. While we cannot say thank you enough, in this way, we can honor their courage and their sacrifice.

We honor Veterans Day because we have the greatest veterans in the world who have committed themselves to protect our Nation, and in so doing, they have transformed this country into the greatest the world has ever known. May God continue to bless our veterans and this great Nation that they have been protecting and make sure we honor the selfless service of all our men and women in uniform, of all our veterans, not only on Veterans Day but every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I appreciate the kind words of Senator HOEVEN and his affinity toward veterans. I am here to talk about our veterans as well.

I come at it from three different perceptions. I chair the Military Personnel Subcommittee in the Senate Armed Services Committee. We are trying to work on things to make sure that when somebody goes out of Active Duty into veteran status, we make it as productive as it can be, making sure they enter back fully into the workforce, the education opportunities, and all the kinds of opportunities that are afforded them as a result of serving in our armed services.

I also want to take a minute to talk about the person who served but never wore a uniform, and that is the husband or the wife or the children whom, on this Veterans Day, we should also thank.

A lot of times, when I have an opportunity—I live in Charlotte, NC, where we have nearly 800,000 veterans. It is one of the largest populations of any one State—I make a point to get to the airport a little bit early so I can go up to the USO and just spend a moment meeting with people who are there transitioning from Active Duty and veterans to thank them for their service. Oftentimes, I will thank a man or woman, and they will say: I didn't serve; my husband or my wife did. I will say: By virtue of your being a military spouse, you served, as did your children.

On this Veterans Day, let's make sure we expand those thank-yous to include everybody who is affected when somebody is deployed in a dangerous place or even serving in peacetime. It is a great sacrifice, and it is one we should always show our gratitude for.

As I said, in North Carolina, we have about 800,000 veterans. We also have one of the highest military concentrations of any State. It is the home of the Global Response Force at Fort Bragg, with over 65,000 men and women serving and 38 generals. You go down closer to the coast and you get to Jacksonville, NC, where we have Camp Lejeune. There is a debate over the pronunciation so I will pronounce it both ways, but there we have nearly 45 percent of the Marine Corps. Many people don't realize that. Stationed out of North Carolina, we could go to Seymour Johnson, we could go to New River, or go to Cherry Point and see these men and women serving every day—and the ones who served before them who are now part of our veteran population. We should thank them all for their current service or their past service.

I say to the Presiding Officer, the Senator from Arkansas, I want to thank you for your service because you served bravely in combat positions before entering the Senate. That is another amazing thing about the veterans. They continue to serve. If you go to a coffee shop, you may see a huddle of veterans around somebody who is organizing the event. That is probably a veteran making sure veterans are speaking with each other and working through some of the challenges some of them have when they are put in very difficult situations or, if you go into a community center, you will almost always see a veteran there continuing to serve, even after they ended their Active-Duty service.

On Veterans Day, we should make it a point to go to every person we know who is a veteran and thank them. We should make sure that everybody we see in uniform—I will be at the airport probably Thursday evening or Friday. I will make it a point to go to every single person I see in uniform and thank them for their service. We owe that to them for all they do for us.

I think, on the one hand, we need to think about veterans, especially on Veterans Day, but as Senator HOEVEN said, we need to think about them every day. As a Senator, the way we do that is not just by thinking but by doing. What more can I do in my capacity on the Veterans' Affairs Committee or in my capacity on the Senate Armed Services Committee to make service easier and safer? After they move out of Active status to veteran status, what more can we do for them? There are a lot of things we can do; one is to make sure they get an opportunity to have a job that, in many cases, will leverage the skills they learned when they were in the military into private sector jobs.

Mr. President, you and I sponsored a bill—the VALOR Act—that will be brought up before the Senate that helps to actually expedite the process of having those who have served in the military to get hired. It makes it easier for employers to put them in apprenticeship positions, where maybe they leverage some of the skills they learned while on Active Duty but get them in good-paying jobs to support themselves and their families.

There are a number of other things we have to do for others who are veterans that I think are particularly important. When we talk about post-traumatic stress or talk about traumatic brain injury, those are, in some cases, invisible wounds of war. We need to make sure and understand why it is that nearly every day 20 veterans take their lives through suicide. To what extent could that be something we just simply didn't know about that veteran? Why are they disproportionately more likely to do it? Many of them, incidentally—the veterans today who have this disproportionately high amount of suicide incidents—are veterans from the Vietnam war. We need to figure out how to reach back to that population—a significant number of whom never seek VA medical services—to provide them with the resources they need to work through these sorts of challenges.

We need to make sure healthcare is available across the map. We need to recognize that challenge in North Carolina is vastly different than the same challenge in, say, South Dakota.

We have a State population of 10 million people—almost approaching 1 million veterans. When you include the spouses and families, it is well above it. We need to make sure they are getting healthcare and services where it is most convenient for them. I think some of that will be providing them with a choice to go to the doctor who makes the most sense for them. A lot of it will be providing a brick-and-mortar presence of the VA so they can be

among other people who are actually dealing with the same sorts of circumstances, and they are actually being served by—about half the population in our veterans hospitals and our healthcare centers are veterans themselves.

This is a very important part of the broader solution we need to provide to our veterans as we continue to build a relationship with them for the rest of their lives. We will never finish all the work we should do. We will keep on making installments into a debt we can never repay, but what we need to do on November 11 is support our veterans by showing our gratitude and our thanks for their service. On this Veterans Day, make an extra effort to thank a veteran. Thank a veteran spouse. Thank the child of a veteran for their service to this great Nation. We will never be able to fully repay the debt we owe them, but we can make a lot of installments as individual citizens and as Members of this Congress. As long as I am in the Senate, that is what I intend to do.

I say to the Presiding Officer, thank you, again, for your service, and thank you to all the men and women who served before.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHCARE

Mrs. MURRAY. Mr. President, I appreciate all of my colleagues from both sides of the aisle who will be joining us here this afternoon and thank them for their leadership on our legislation and for taking the time to speak today.

We are now exactly 1 week into open enrollment, and it has been 3 weeks since Chairman ALEXANDER and I put forward a bipartisan bill to stabilize our healthcare markets and lower patients' healthcare costs. So I wanted to come this afternoon to talk for a few minutes about what it means that so many people nationwide are signing up for coverage and why there is no good reason for Republican leadership to wait another minute before bringing up our bill for a vote.

It is still early, but what we are seeing so far is that millions of people across our country are going to healthcare.gov to shop for coverage. Some 200,000 signed up on the first day. That is more than double the amount from last year. The vast majority will get tax credits to help cover their costs. In fact, some who are struggling the most will find they can save even more this year because of how our current healthcare system absorbs cost increases.

But there is no question that premiums are going up in many places and that fewer coverage options are available and not every consumer is protected. One woman—Melissa—told the Washington Post this week that she is ''joining the ranks of the uninsured'' for the first time in her life as a 51-year-old. She said that she doesn't qualify for subsidies and that given how much her premiums would increase, her insurance costs would have been more than her mortgage payments each month. Melissa is one of the people paying the price for President Trump's healthcare sabotage and the Republican leadership's—so far—willingness to cheer him along.

It is unacceptable that patients and families are having to take on this burden. Let's remember that when someone goes to sign up for healthcare coverage, they are not doing it as a Republican or a Democrat, they are doing it as a parent or a caregiver or a business owner who wants to stay healthy and financially secure.

Here in Washington, DC, healthcare has become bogged down in politics, but in cities and towns across the country, it is about taking care of yourselves and your loved ones. That is why so many people are going online to shop for coverage despite the President's insistence that healthcare in the United States was going to ''implode,'' regardless of the fact that to make implosion a reality, President Trump—among his many other efforts at sabotage—shortened the enrollment period this year and gutted investments in outreach and advertising and caused premiums for those people to increase by double digits on the average. Patients and families deserve so much better.

I have said it before: The frustrating thing is that all this could have been avoided. Way back in September, Chairman ALEXANDER and I were on the verge of an agreement to stabilize healthcare markets and lower premiums for the coming year and for 2019. Our agreement would have provided multiyear certainty on the out-of-pocket cost reduction subsidies that President Trump decided to stop paying even though the law says he is required to do so. Had we been able to move faster, our legislation would have resulted in lower premiums right away for 2018. But Republican leaders pressed the ''pause'' button on bipartisan negotiations so they could try one more time to jam partisan repeal through the Senate, and we lost a lot of precious time.

Our bill, the Lamar Alexander-Patty Murray Senate bill, would do a lot of good right now and over the next years. If Republican leadership takes up our legislation now and passes it, families would see rebates this year and lower healthcare costs next year because our bill is designed to ensure that the benefit of greater certainty is passed on to patients and taxpayers, not hoarded by insurance companies.

Our deal would also invest in open enrollment and outreach for 2019, so more people would be covered. It would allow States more flexibility to innovate as the Affordable Care Act always intended. It would mark a critical step away from this harmful partisanship on healthcare and toward working under regular order on solutions that make healthcare work better for the people we serve.

Finally, this legislation would send a critical message to patients and families that when Congress sets aside partisan difference and focuses on what is best for our country, we can deliver a result, as Chairman ALEXANDER often says.

More than 200 groups representing doctors, hospitals, State officials, Governors, and patients have endorsed our bill. The nonpartisan Congressional Budget Office says it would do exactly what it was intended to do—stabilize markets and bring down healthcare costs—while returning $3.8 billion to taxpayers.

Twelve Senate Democrats and 12 Senate Republicans cosponsored it. We are continuing to build support, and there is no question that it would pass here with a filibuster-proof majority if it were brought to the floor. And while the Senate shouldn't need President Trump's signoff to take a position on ways to fix the Nation's healthcare system, the President has supported this process moving forward.

So here we are, and right now it is up to Republican leaders. They can choose to stay in a partisan corner and reject an opportunity to lower patients' healthcare costs in a bipartisan way, or they can do what people across the country want them to do and put patients over politics.

I do want to note that if Republican leaders hadn't gotten the message, voters made it pretty clear last night that they reject the deeply harmful partisanship we have seen on healthcare.

It is well past time for Republican leaders to give up the ghost on TrumpCare, declare it dead, and work with Democrats to get real solutions. That starts with our bipartisan bill to lower healthcare costs and stabilize the markets, because if they don't, they can be sure they will be held accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleague from Washington, Senator MURRAY, and congratulate her and Senator ALEXANDER on being able to reach agreement to move forward to address the uncertainty in the marketplace.

Like Senator MURRAY, I also want to begin with what we are seeing going on in this open enrollment period. Despite all of the efforts to undermine the Affordable Care Act, to shorten the time

period in which people can sign up, to make it more difficult by having the site closed for part of Sundays, we are seeing a record number of people enroll in the initial days of open enrollment.

According to news reports, on the first day alone, about 1 million people visited healthcare.gov and more than 200,000 people selected a plan for 2018. That is almost double the number who signed up last year on the first day.

For anybody who is still thinking about it, you have until December 15, so sign up early. As my colleague from New Hampshire, Senator HASSAN, says, it is the best Christmas shopping you can do—take care of your healthcare. Go to healthcare.gov and shop around, get the best deal, and enroll during this open enrollment period.

This surge in signups is especially remarkable in light of the widely publicized efforts by the Trump administration to depress enrollment. The administration has slashed the advertising and outreach budget by 90 percent, cut the open onrollment period by half, and shut down the marketplace website for 12 hours on Sundays, taking away valuable weekend hours when people have free time to explore plans.

I think the healthy volume of enrollments sends two very important messages.

First, it shows again that ordinary citizens, faith groups, insurance navigators, and other private organizations have done an amazing job of filling the outreach void that has been created by this effort by the administration to cut back on letting people know about the website and how to enroll. Those folks have spent countless hours getting out the word that the Affordable Care Act remains the law of the land and that those who qualify for financial assistance can purchase high-quality, affordable coverage.

The second message that I think is important from this strong enrollment is a message that has been echoed in recent public opinion polls. It is one that we saw in the turnout in the Virginia elections last night. It is that a clear majority of the American people support the Affordable Care Act, that they reject efforts to sabotage it and they want Members of Congress to work together to strengthen it, just as Senator MURRAY said.

I am very pleased that we have come together in the Senate to do just that. We have come together in support of bipartisan efforts led by Senator MURRAY and Senator LAMAR ALEXANDER, the chair and ranking member of the HELP Committee. They have come together to stabilize the Affordable Care Act and the marketplaces and bring down premiums. I am proud to be one of the 12 Democrats who were original cosponsors with 12 Republicans of this legislation. This balanced agreement, which was negotiated by Senators ALEXANDER and MURRAY over many months, is our best bet for restoring stability to the marketplaces in the short run and giving us the time we need to negotiate longer term to deal with other changes to the health law to make it work better.

I am especially pleased that the Alexander-Murray agreement provides for the continuation of cost-sharing reduction payments, or CSRs, which are payments that are necessary to keep premiums, deductibles, and copayments affordable for working families. They are extended for 2 years in this bill. Without these payments, the cost of coverage will skyrocket, insurers will leave the marketplaces—as we have already seen, as the Trump administration has said they are going to discontinue those payments—and millions of people will lose their health coverage. This is an opportunity for us to keep that from happening. Both Democrats and Republicans have recognized that these cost-sharing reduction payments, these CSRs, are an orderly, necessary subsidy that keeps down the cost of health coverage for everyday Americans.

In recent months, I have heard from hundreds of people across New Hampshire about the enormous difference that healthcare reform has made in their lives. We are a small State—we have just over 1.3 million people—but nearly 94,000 Granite Staters have gotten individual health coverage through the Obama marketplace, and nearly 50,000 have gotten coverage thanks to the Medicaid expansion, which had bipartisan support in New Hampshire. So that is about a tenth of New Hampshire that is covered either through the Affordable Care Act or through the expansion of Medicaid. And for us in New Hampshire, it has been particularly critical in responding and providing treatment to those people with substance use disorders.

Patricia Tucker has written to me. She is a substance use disorder counselor in Northfield, NH, and she talks about how grateful she is for the Medicaid expansion. She writes:

> I am seeing people come for help that were not able to get help in the past because they couldn't afford it. They are getting help and remaining abstinent. If one mother gets clean, this affects so many others.

She goes on to say:

> [I treat] one mother who has two children. She now cares for these children and has a full-time job. In the past, she lived off the state and did not care for anyone, including herself. Multiply this by thousands, just in New Hampshire, and this makes such a big difference.

And think about how across the country we have affected people with substance use disorders because they can now get treatment.

I agree with Patricia Tucker and so many others who have contacted me about the Affordable Care Act. We are grateful for the progress, and we refuse to be taken backward. That is why the bipartisan agreement hammered out by Senator ALEXANDER and Senator MURRAY is such an important breakthrough. This agreement stands on its merits as a good-faith, win-win compromise. But just as important and maybe even more important, these two Senators have given us a template for bipartisan negotiations on other critical matters that lie ahead, including tax reform, reauthorizing the community health centers and the Children's Health Insurance Program, and reaching an agreement on the 2018 budget.

The Senate is at its best when we observe regular order, when we honor the committee process, and when we work across the aisle and make principled compromises and get big things done for the American people.

In a Senate that is nearly evenly divided between Republicans and Democrats, bipartisanship is the only productive way forward. This is how the great majority of Americans want us to conduct the Senate's business, and this is especially true on matters such as healthcare and tax reform that impact families in New Hampshire and all across America.

I am grateful to people across our country who have gotten out the word about the health insurance open enrollment period that began on November 1 and continues through December 15. I am heartened by the surge in enrollments. I am encouraged by bipartisan progress in the Senate to stabilize the health insurance marketplaces. I certainly hope the leadership in the Senate allows this bill to come to the floor because we know we have the votes to pass it.

Instead of partisan efforts to undermine the law and take health insurance away from people, let's embrace the spirit of the Alexander-Murray agreement. Let's work together in a good-faith, bipartisan fashion to build a healthcare system that leaves no American behind.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to talk about the importance of bipartisan action on healthcare, as the Senator from New Hampshire just did.

Over the past year, I have traveled all around Minnesota to talk with individuals and families and community leaders about healthcare. I have heard from mothers and fathers who have been worried about losing the healthcare their children need to access lifesaving services. I have heard from daughters who have been panicked about how to pay for their parents' long-term care and prescription drug costs. I have heard from hospital executives in rural areas, much like the rural areas in Arkansas, who have been concerned about how they are going to keep their doors open.

What is abundantly clear from all of these conversations is that Minnesotans want Congress to work together to build on the Affordable Care Act, lower healthcare costs, and support policies that work. That is why I believe, first, that Congress must act immediately to

pass bipartisan legislation to stabilize the individual market. Second, we must do all we can to support strong enrollment in our health insurance exchanges so that all consumers, regardless of their health needs, can find high-quality, affordable health insurance coverage. Third, it is time to reauthorize the Children's Health Insurance Program. Let me take each of those in turn.

When Republican efforts to repeal the Affordable Care Act failed, the Senate Health, Education, Labor, and Pensions Committee got to work and developed a bipartisan plan to stabilize the individual market. As a member of that committee, I participated in numerous hearings with witnesses who spanned the ideological spectrum, solicited input from State and national leaders, and worked in good faith with all of my colleagues to develop legislation that is truly a compromise bill.

This legislation, referred to as the Alexander-Murray deal, will contain healthcare costs for consumers, provide certainty to insurers participating in these markets, and provide States with the flexibility they need to develop innovative, local solutions. I am proud of what we were able to accomplish.

What I am most proud of is that this bill includes a provision that will reverse a decision by the Trump administration that would effectively punish Minnesota for pushing forward a bipartisan plan to stabilize the individual market—a bipartisan plan in our State legislature.

Last year, after our State experienced dramatic premium rate hikes in the individual markets, State leaders worked together in a bipartisan way to pass a reinsurance program to contain these costs, but the program's enactment was contingent upon approval from the Federal Government.

After months of foot-dragging, the Federal Government finally approved the State's reinsurance plan as part of the 1332 waiver proposal, but the Federal Government simultaneously cut Federal funding for MinnesotaCare, which is another program in the State that provides affordable health coverage to working families. Thus, our State had to choose whether to support a bipartisan proposal to stabilize the individual market and lower premiums for consumers or swallow hundreds of millions of dollars in lost Federal funding. It was an impossible choice that was completely unnecessary. That is why I set to work to fix it.

After weeks of productive negotiations, I am pleased to report that the Alexander-Murray deal will prevent the Trump administration from imposing these cuts on Minnesota. But my State wasn't the only one threatened by potential funding cuts. The Alexander-Murray bill would prevent such problems from occurring in any other State as well, and it would do much more.

According to the Congressional Budget Office, this agreement would reduce the deficit by billions of dollars, lower premiums in 2019, and preserve coverage options for individuals and families. In short, it is not only good for Minnesota, it is good for the entire country. This bill is a bipartisan win-win-win.

Now our job is to pass this legislation into law. At the same time, we must do everything we can to drive up enrollment in the health insurance exchanges. Regardless of party, if we want to ensure that consumers have access to affordable, high-quality health insurance coverage, we have to get people to sign up for the coverage. More people equals better risk pools, which equals lower premiums. It is really that simple.

Look, the Trump administration has done everything in its power to undermine ObamaCare. It has halved the amount of time that people have to enroll in coverage, it slashed funding for outreach and enrollment efforts, and it deliberately misled consumers about the benefits of the ACA and individual requirements for coverage. But we have the power to combat these efforts.

Let's get people enrolled. Open enrollment started on November 1 and will end for most people on December 15. Minnesotans are lucky in that they have until January 14 to sign up for coverage. But everyone who doesn't receive coverage from their employer or through Medicare needs to sign up now, so I urge my colleagues to get their constituents to visit healthcare.gov and shop around and then enroll in coverage.

Lastly, it is time to reauthorize the Children's Health Insurance Program, community health centers, and the National Health Service Corps. These have always been bipartisan programs. There is no reason this should be any different today.

The anxiety that people in Minnesota and across the country feel about their access to healthcare is not inevitable; it is the result of political decisions made here in Washington, DC. Let's prove to the country that we are not here to fight with each other, we are here to fight for them. Let's show them that we can get something done. Let's take action to protect healthcare and give our constituents, at long last, some peace of mind.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise today to call for bipartisan action on healthcare.

I think it was interesting to learn that the citizens of Virginia who voted yesterday listed as their top issue healthcare. There was obviously an issue there where there had been no Medicaid expansion, and they were unhappy with the way it had been handled by the legislature there as well as Republicans who were in charge of the legislature, and they appeared to be pushing for a change.

We have an opportunity here to make a bipartisan change. I think it is exactly the kind of message that we got yesterday. In my State, we have a Republican legislature and a Democratic Governor. They came together to do something about some of the rates, particularly in our rural areas. They focused on reinsurance, cost sharing—some of the things in the bipartisan agreement reached between Senator ALEXANDER and Senator MURRAY. We have 12 Democrats and 12 Republicans cosponsoring that bill. Support includes the American Cancer Society, the American Diabetes Society, the March of Dimes, and the Arthritis Foundation—and those are just the A's.

The American people want us to work together to make fixes to the Affordable Care Act. The day it passed, I said that it was a beginning and not an end. Unfortunately, we have been stymied in trying to make those kind of changes, and this is one bipartisan big opportunity to do it. I think it is a sensible bipartisan approach.

As we all know, both Senator ALEXANDER and Senator MURRAY held a series of hearings and discussions on commonsense solutions to bring down insurance costs with Senators on both sides of the aisle. There were Governors and insurance experts, and we worked hard to make sure there was some agreement on this bill. I fought for provisions that would help States apply for and receive waivers to give them some flexibility to construct their healthcare system and to bring down the costs without losing Federal funding. That is something my State did. As I mentioned, my State, with a Republican-led legislature and a Democratic Governor, came together to apply for a waiver and a reinsurance provision.

The bill would also expedite the review of waiver applications for proposals that have already been approved for other States that are experiencing certain circumstances—emergency circumstances—where they need to make changes.

The legislation also shortens the overall time period that States would have to wait for the Federal Government to decide whether to approve their waivers.

All of these are good fundamental concepts—this idea that States should have some flexibility, that they should be able to apply for waivers, and that they should be able to get their answers as soon as possible from the Federal Government. That is what this bill is about. Not only does the bill improve the process for waivers and flexibility for the States, like we have seen in Minnesota, where already the projected

numbers brought the rates down something like 20 percent, but the nonpartisan Congressional Budget Office says the Murray-Alexander bill would actually cut the deficit by $3.8 billion over the next 10 years. That is hard to argue with.

It is clear that this legislation could get support from both sides of the aisle to make healthcare better for Americans. We have a majority of Senators supporting this bill. So we need to get it done because the longer we wait, the more the markets don't know what is going on, the more confusion that is created, and the more the administration is doing things that sabotages the Affordable Care Act.

We need this stability in the system. Passing the bill would be an important step forward, but we still must do more to bring down the costs for middle-class families. A big part of that is addressing the skyrocketing costs of prescription drugs. I have heard from people across Minnesota who are struggling to afford the medicine they need. This is about the woman in Duluth who told me that she chose not to fill her last prescription because that one drug would cost a whole 25 percent of her income. It is about a woman in St. Paul who, even with Medicare, couldn't afford $663 a month for the medicine she needs. It is about someone from Crystal, MN, who told me: I am practically going without food to pay for the prescription. It is heartbreaking that this is happening in America.

Reducing the cost of prescription drugs has bipartisan support in Congress, and the President has said he wants to get something done. He has said: The drug companies are ''getting away with murder.'' Those are his words. That is what he said.

So what can we do? Republicans and Democrats could come together and act right now. I have a bill that has 33 cosponsors that lifts the ban that makes it illegal for Medicare to negotiate prices for prescription drugs for 41 million seniors. I think 41 million seniors are pretty good at getting bargains and deals, and they deserve to have someone negotiating on their behalf; that is, the government negotiating for Medicare. Except, why don't we negotiate, like we do for the VA, and like other countries do? We don't negotiate because there is a provision in law that says that the government is not allowed to negotiate on behalf of 41 million seniors with the drug companies. They are just set. Guess what that means. That is a big part of the reason why our drug prices are double the cost of those in Canada—because we are just taking it and we are not negotiating.

Another idea, bringing up Canada, is that Senator MCCAIN and I have a bill that would allow less expensive drugs to be sold in the United States. To me, that is a way of putting pressure on our own drug companies to put out better prices if they know there is going to be competition.

Senator GRASSLEY of Iowa and I have a bill to stop something called pay-for-delay. That is when big pharmaceutical companies actually pay off generic companies to keep less expensive products off the market. This bill would save taxpayers $2.9 billion. Do you know why? Because right now there is no competition or very little competition, and they are actually paying their competitors to stay off the market. The competitors have decided: Well, I get more money to be paid to stay off the market than if I actually competed.

Think about what a rip-off that is for the American people. We are allowing this to go on while the consumers are paying the price. How much? We know the government alone is going to save $2.9 billion if we stop this practice. Consumers would save most likely around that same amount because they are paying all the copays. Both the government is ripped off and the consumers are ripped off, and the only ones making money off of it are the drug companies.

Another idea is, Senator LEE and I have a bill that would allow temporary importation of safe drugs that have been on the market in another country for at least 10 years when there isn't healthy competition in our own country. Again, if your drug companies that are messing around, charging high prices and not allowing competition in—if you know there might be foreign competition coming in, that is an incentive because you want to then make sure that doesn't happen because you know that if you keep your prices high and you do things to disallow competition, you are going to have some major competition. I don't know how else we bring the prices down without allowing more competition.

I also have a bipartisan bill with Senators GRASSLEY, LEE, FEINSTEIN, and LEAHY, which is called the CREATES Act, to put a stop to other pharmaceutical company tactics, such as refusing to provide samples to generic companies that are supposed to be allowed to compete with them. According to the Congressional Budget Office, this legislation would save approximately $3.6 billion.

As we hear about tax reform and hear about the debt we might be seeing expand if something like this goes forward, then we ask yourselves: What is not in those bills? Why aren't we saving some money for the American people and reducing the debt by allowing for this competition, by allowing for the samples, by allowing for more generics, by stopping this practice of companies paying each other to keep their competitors off the market?

What this healthcare debate has been about for the last year, where repeatedly there have been attempts to repeal the Affordable Care Act—it has been about that. The American people made it really clear, they want to make it about something else. They want to make it about improvements to the system we have now to make it easier for them. One way is the Alexander-Murray bill, which I strongly support. I am one of the cosponsors. It is smart. It works with the States, both Democratic and Republican States—blue States, red States. We want to see that kind of flexibility. The other way is to take a stand, be willing to take on the pharmaceutical industry, and take on some of the cost issues when it comes to prescription drugs.

Let's come together in the Senate, as an initial move, and pass the Murray-Alexander bill. We must do that, and we must do it by the end of the year. Then we can go on from there to actually do something about the cost of prescription drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, there are a number of matters where we disagree in the U.S. Senate, and they range from deeply held foundational beliefs to the smallest details of legislative language. Despite these disagreements, I believe there is a lot we can all agree on.

I hope I speak for every Member of Congress in saying that in this great Nation of ours, hard work should always be rewarded. If you play by the rules and do the right thing, you should have an opportunity to earn a good life for yourself and for your family. Our mothers, fathers, and others before us have worked hard to ensure that we have a fair shot at the American dream. Unfortunately, it feels like the fabric of the American dream has started to fray for far too many families. Even more troubling, we are seeing nominees from this administration who seem committed to actively unraveling the support and the protections that help workers get ahead.

Today we are considering the nomination of Peter Robb to be general counsel of the National Labor Relations Board. Mr. Robb would be responsible for ensuring safe working conditions and fair compensation for American workers. He would be tasked with protecting the treasured right of workers to engage in good-faith negotiations with their employers.

However, a brief look at Mr. Robb's career reveals a clear track record of working to undermine our Nation's workers and middle class on behalf of corporate executives. To Mr. Robb's credit, he is not trying to hide his record or run away from his record. All you have to do is visit his firm's website, and you will see the experiences he is proud to display. I believe it is a preview of how he will approach his position at the National Labor Relations Board. His self-proclaimed accomplishments include: advising large corporations on mergers, acquisitions, and plant closings; securing labor injunctions; and bringing suits against labor organizations.

When someone tells you who they are, believe them. While I certainly believe that every American and corporation is entitled to vigorous representation by their lawyers, I also believe Senators must evaluate every nominee's full body of work. Let's be clear about how Mr. Robb has chosen to spend his professional life: helping management close plants and cut jobs, suing unions, delaying workers' rights to collectively bargain, and defending companies that violate workplace safety and fair pay laws.

At a time when corporate profits and executive compensation have skyrocketed and worker wages are stagnant, I have no confidence in Mr. Robb's ability to be a neutral arbiter between labor and management, let alone advocate for the safety and the well-being of America's working men and women. Our Nation's workers deserve a nominee who will protect their right to negotiate for fair pay and safe working conditions, not someone who has spent his entire career litigating against workers. I will be voting against Mr. Robb's confirmation, and I strongly urge my colleagues to do the same.

I yield the floor.

Mr. ALEXANDER. Mr. President, today we are voting on the nomination of Peter Robb for general counsel of the National Labor Relations Board, NLRB.

As general counsel, Mr. Robb will have the important job of helping workers who feel their right to organize collectively has been violated or assisting employers when some of their employees want to form a union.

Mr. Robb will have an opportunity to help restore the Board to the role of a neutral umpire in labor disputes.

While partisanship at the Board did not start under the previous administration, it became far worse.

When the Board is too partisan, it creates instability in our Nation's workplaces and creates confusion for employers, employees, and unions.

For example, in 2015, at the previous general counsel's urging, an NLRB decision dramatically expanded ''joint employer'' liability, and this increased liability makes it much more likely a company will find it more practical to own and operate its stores, taking away the opportunity for a worker to own and run their own franchise.

This decision was the biggest attack on the opportunity for small business men and women to make their way into the middle class that anyone has seen in a long time, threatening to destroy the American Dream for owners of the Nation's 780,000 franchise locations.

Or consider the previous general counsel's aggressive application of the National Labor Relations Act to protect certain employees' belligerent, threatening, and discriminatory conduct.

One troubling decision involved an employer that fired a picketing employee who engaged in racist and offensive conduct on a picket line.

The Board found that the employee's remarks were ''racist, offensive and reprehensible,'' and violated the company's nondiscrimination policies and the union's conduct rules; yet the Board still ruled that the employer's discharge of the employee was unlawful.

This type of Board decision defies common sense and makes it more difficult for employers to maintain safe workplaces free of discrimination and harassment.

Mr. Robb is extremely qualified to be general counsel of the NLRB.

He currently works as the director of labor and employment at the law firm Downs Rachlin and Marin.

He served as chief counsel to NLRB Member Robert Hunter and was a regional field attorney for the NLRB in Baltimore.

Mr. Robb earned his B.A. in economics from Georgetown University and his J.D. from the University of Maryland School of Law.

His experience and prudence will serve him well at the NLRB.

I urge my colleagues to join me in voting to confirm Peter Robb for general counsel of the National Labor Relations Board.

Mr. PETERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM WEHRUM

Mr. SCHATZ. Mr. President, the Senate has, actually, already considered Bill Wehrum to be the Assistant Administrator for Air and Radiation at the Environmental Protection Agency, who is the person in charge of the rules to administer the Clean Air Act at the EPA. This person has already been considered, and the Senate decided that he was not right for the job.

Over 10 years ago, President Bush nominated Mr. Wehrum to head the Office of Air and Radiation at the EPA. He was rejected because his 6-year record as an employee at the EPA told the Senators all that they needed to know. As the ranking member, Jim Jeffords, put it at the time: ''Mr. Wehrum's disdain for the Clean Air Act is alarming.'' If you disagree with the foundational Federal law that we use to keep our air clean, then it is hard to believe that you can competently lead the EPA's efforts when it comes to protecting our right to clean air. A decade later, nothing has changed. Mr. Wehrum has done nothing that should change our minds about his ability to lead the EPA.

This, of course, is part of a pattern. This administration continues to nominate anti-science, pro-pollution, climate-denying people to lead the U.S. agencies that are in charge of science and climate.

Scott Pruitt has denied a century's worth of established science and basic facts that say that climate change is real, urgent, and caused by humans. He now leads the No. 1 Federal Agency that is charged with working on climate change.

Then there is JIM BRIDENSTINE, who hopes to lead NASA, which is one of our Nation's top science agencies. He, too, is still on the fence about climate change.

Meanwhile, 13 Federal agencies, including the EPA and NASA, just published a dire report that reads that greenhouse gases released by human activity are to blame for rising temperatures and severe weather throughout the world.

This is why Mr. Wehrum should not go any further. It is really very simple. Our own government scientists say that climate change is real, urgent, and caused by humans.

If you do not want to take their word for it, here in the United States in this year alone, a record number of category 4 hurricanes killed dozens of people and destroyed or damaged entire communities in the southern United States and Puerto Rico. Wildfires killed dozens of people and burned more than 8.4 million acres in the Northwest. Droughts lasting for months wiped out farmers' crops and forced ranchers to sell livestock in the Midwest. The city of Seattle had soot on cars from the wildfires. For a period, the State of Montana, depending on where you were, looked like it was literally on fire.

The U.S. Forest Service's budget is soon to be more than 50 percent firefighting. This is supposed to be the Forest Service for the conservation and management of our forests, and now it is the Federal firefighting of our forests. There have been 15 severe weather events this year that have resulted in losses exceeding $1 billion. That is what insurance companies and reinsurance companies consider to be the threshold. They consider a big event—a catastrophic event—from an insurance standpoint to be a $1 billion event. We had 15 of them this year in the United States. In the past 10 years, the U.S. Government has spent more than $350 billion in helping communities recover from severe weather, and that is before our getting through with the various and necessary disaster supplemental budget requests that are coming down for Florida, Houston, and Puerto Rico.

Look, severe weather is a reality or whatever you want to call it. If you feel uncomfortable politically calling it ''climate change,'' fine, but severe weather is actually already happening. It is now a moral issue, and it is a fiscal issue. It has taken a huge toll on our economy, on the American taxpayer, and on local communities. For the most part, we do not budget for

these costs because we have decided that these are one-time events, but they just happen to be one-time events that are occurring more and more frequently and that are costing more and more.

Because of the leadership vacuum that Scott Pruitt and Donald Trump have created, States and cities and the private sector have been stepping up so that the United States can stay on track to cut carbon emissions and fight climate change. Yet the Federal Government still has a responsibility here, not just a moral responsibility but a legal one, for the climate will keep changing, the costs will keep rising, and more and more people will feel the effects. Instead of stepping up so that our Federal debt does not balloon and our coastlines do not erode and our security is not threatened, this administration keeps nominating people like Mr. Wehrum to deny that climate is an issue and that the government ought to act.

Throughout his career, Mr. Wehrum has demonstrated antipathy for the very laws that he is now going to be tasked with upholding. When he held this position in an acting capacity in the 2000s—in other words, he was filling in until he was confirmed but was never confirmed—he was sued dozens of times for not doing his job. Time and again, the courts found that, in fact, he was putting special interests over science and over the public good. This is not just a rhetorical statement. These are 27 times that Mr. Wehrum lost in court for exceeding his authorities under the law.

Here is where he kept getting specifically into trouble. Mr. Wehrum is a former lawyer for the very industries that the EPA regulates—chemical companies, utility companies, the auto industry. This is the experience that he relied on while he worked at the EPA, which is fair enough so far, but when the Agency started working on a rule that regulated pollution from powerplants, Mr. Wehrum took language from his former law firm—again, which represented powerplants—and gave it to the EPA to put into the rule. In other words, the EPA did not look to experts and scientists to decide how best to regulate powerplants; it looked to the powerplants' lawyers.

Mr. Wehrum's job was to protect clean air and public health, and he failed at that job by siding with special interests over that mission. The courts actually stepped in 27 times, and he lost 27 times. One case went all the way to the Supreme Court under Mr. Wehrum. The EPA said that it did not have the authority to regulate carbon dioxide from automobiles, but under U.S. law, the EPA must regulate all emissions that are damaging to human health and welfare, and the Supreme Court has acknowledged that carbon pollution fits that description.

Just to be clear, under the EPA's responsibility to administer the Clean Air Act, the EPA does not just have the authority to regulate carbon emissions; it has the obligation to regulate carbon emissions. In other words, anything that is airborne that causes harm to people, to public health, must be regulated. The EPA does not simply decide which of these airborne pollutants must be regulated; it has to regulate all of those pollutants that cause damage to public health. Clearly, carbon fits that category on a commonsense level, but the Supreme Court also decided that. There have been more intense storms, as we have seen from Hurricanes Harvey, Irma, Maria, and others, that are certainly bad for human health and well-being, and the Supreme Court has agreed. The EPA has the authority and the obligation to regulate these greenhouse gases.

We do not need to go through this again. Mr. Wehrum has already shown that he is not the right leader for the EPA. He will not commit to taking the necessary steps to address severe weather. He will not fight for clean air. He will fight for his former clients. This is not an accusation. It is based on exactly what he did when he was in the same position. It is the reason the Senate rejected him 10 years ago.

With this kind of information in front of us, there is no way we can put Mr. Wehrum back in charge of the office that is tasked with regulating carbon pollution, not when we are facing a planetary emergency, not when the fiscal and human costs of inaction are so clear. The EPA needs leadership that understands the crisis we are facing and that understands and is willing to do everything in its power to address it. Mr. Wehrum has clearly demonstrated that he is not the right person for this job. I will vote no on this nominee, and I urge my colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There will now be 30 minutes of debate, equally divided between the leaders or their designees.

The Senator from Colorado.

TAX REFORM

Mr. GARDNER. Mr. President, I rise today to talk about a historic opportunity that will soon be before this body. It is an opportunity to bring real relief to the American people. It is an opportunity to jolt our economy into a higher gear and bring real, tangible benefits to America's hard-working families.

It has been over 30 years since this country last reformed its Tax Code. Over those 30 years, we have seen a lot of change. We have seen the country move from Ataris to smartphones and Wi-Fi. This photo shows a Ford LTD station wagon, which rolled off the assembly line 30 years ago. It is a car that any of us would have been excited to drive 30 years ago. Today we have cars that drive themselves. Unfortunately, we still have a tax code that is made for this LTD.

So while the world has changed around us and other countries have learned to craft tax codes to entice businesses to grow, our code has gotten more and more out of date and more and more laden with special-interest giveaways. Our Tax Code has turned Main Street into a dead end and our overseas growth into a one-way street.

Reforming the code is not only a way to give us an opportunity to end those giveaways, but it can also boost our economy. I applaud our colleagues in the House, who last week introduced and are working on a proposal to overhaul the tax system. In the coming days the Senate Finance Committee will introduce their own legislation.

While I will mostly focus my comments today on one aspect of tax reform, I will note that on Friday the Tax Foundation released its analysis of the House tax proposal. This analysis concluded that the House proposal would create 975,000 full-time-equivalent jobs and push GDP 3.9 percent higher than it would otherwise be. Taking into account the economic feedback from the proposed reforms, this means taxpayers would end up with 4.4 percent higher income. In other words, they will make greater, higher income as a result of the bill that the House is working on today. Indeed, the Tax Foundation concluded that the total after-tax gain in income for a middle-class family would be nearly $2,600.

Importantly, for my constituents in my home State of Colorado, the gain would be over $3,000. These are serious gains that will bring real, meaningful benefits to hard-working Americans. This is just the starting point for our reform. This number is over $3,000 of impact to the people of Colorado of additional income and tax relief. When a significant segment of Americans don't even have access within 24 hours to just a few hundred dollars, a $3,000 a year gain is a significant amount of money.

Today I would like to focus on one part of the tax reform package, and that is the lowering of taxes on America's job creators. Because we have this clunky Atari-era Tax Code—this Ford LTD station wagon Tax Code, our tax rates are no longer competitive. They encourage companies to invest abroad rather than right here at home in the United States. Back in 1986, when this car rolled off the assembly line, our corporate rate was competitive. It didn't discourage companies from investing in the United States.

Things have significantly changed since 1986. Foreign countries have figured it out. They lowered their tax rates, and now the United States has the highest corporate tax rate in the

developed world—indeed, one of the highest tax rates in the world, period. Consequently, businesses have moved abroad more and more. They invested more abroad, and in the United States they have invested less and less.

It is not in the Republicans' view alone. I would draw your attention to this quote right here. President Obama noted this gradual deterioration of the corporate tax code in his 2011 State of the Union Address, saying:

> [O]ver the years, a parade of lobbyists has rigged the tax code to benefit particular companies and industries. Those with accountants or lawyers to work the system can end up paying no taxes at all. But all the rest are hit with one of the highest corporate tax rates in the world. It makes no sense, and it has to change.

Those are the words that President Barack Obama spoke to a joint session of Congress in 2011 in his State of the Union Address.

The Council of Economic Advisers estimates that just moving the tax rates on corporations from the uncompetitive 35 percent to the middle-of-the-pack 20 percent and adding permanent full expensing of capital investments would increase GDP from 3 percent to 5 percent above what is currently forecasted. That increase would not just happen in a decade or two, it would be front-loaded, meaning that we would see a fast response from this economy, with 2.4 percent to 3.2 percent higher GDP in the first 3 to 5 years under this proposal. That boost will not just be to the corporate bottom line. It will increase the average American household income by $4,000.

Let me say that again. It will increase average household income in America by $4,000.

Since these estimates were released, since those numbers, statistics, and analysis have been done, opponents of pro-growth tax reform have thrown everything they can at the proposals and estimates to see what will stick to try to bring it down. They said these numbers are too rosy. They said that we can't possibly get a $4,000 increase in average household income because that would mean more money would end up in bank accounts of American households than is raised in revenue by the corporate income tax.

They said that corporations have been ''rolling in money'' for a long time. So if they wanted to invest in America they already would have. Some opponents say we should tax corporations more—take the profit that is sitting overseas and spend it as the government wishes. When opponents of tax relief see a company with money, their reaction is to take it—to take it like it is the Government's money. But we know that doesn't work. Even our European friends, whose residents tend to be far more open to socialist experiments, have rejected this notion. They know that tax reform is about creating the environment that will cause companies to invest in America, not attempting to seize profits from companies that can easily move elsewhere. That is why France, Germany, Spain, Italy, and Greece—not exactly bastions of open economic innovation—have lower corporate tax rates than we do.

The chairman of the Council of Economic Advisers, Kevin Hassett, told the Joint Economic Committee recently:

> This is not about right wing parties throwing money at rich corporations. It is about economically literate governments understanding that if we want wages to be higher, than we have to give workers capital to work with.

Let me say that again. This effort for tax relief is about ''economically literate governments understanding that if we want wages to be higher, then we have to give workers capital to work with.''

Let's go back to the first response we heard from opponents of tax relief: It is ''absurd'' to think the average American household will get $4,000 more in income because that is more than the country raises in tax revenue.

In other words, if we took every dollar raised from corporate tax and handed it over to American families, they wouldn't get $4,000. That is the argument opponents of tax reform are saying, but this response simply doesn't get it.

What is the economically literate perspective?

Recall that a lot has changed over the last 30 years, but one thing hasn't changed, and that is the U.S. corporate tax rate. As you can see on this chart, the average OECD tax rates have dropped over time. You see the blue OECD line, and the orange line on the chart is straight across. The average OECD tax rates have dropped over time, but the U.S. rate stayed right where it is. The U.S. advantages that made it the place to invest in 1986 have slowly faded away. Other countries have used their tax rates to become more competitive, and companies have responded.

Business investment now is unfortunately low. Indeed, Chairman Hassett warned that there is a crisis in our country because of the lack of what is called capital deepening, which is just an economist's term for the impact of capital stock—things such as equipment, structures, and intellectual property—on worker productivity.

Worker productivity is, in turn, what drives up wages. That is what makes wages increase. The more productive a worker is, the more the employer is willing to pay that worker to keep him or her in the job with rising wages.

Going to another chart, we can see the effects of that. Prior to 1990, when corporate profits were going up by 1 percent, workers' wages went up by more than 1 percent. Since that time in the 1990s, we have seen change. From 2008 to 2016, a 1-percent increase in business profits corresponded with only a 0.3 percent increase in workers' wages. One of the biggest culprits in this is the corporate tax rate. It is what causes that disconnect between corporate profits and workers' wages.

When a company decides whether and where to invest in new buildings, equipment, and research, they look at the tax rate to know what return is needed to make that investment profitable. The higher the tax, the higher the needed return. So companies facing higher taxes either don't invest at all or they invest in another country. That is why experts say that workers bear 45 percent to 75 percent of the burden of corporate taxes, because businesses invest in them less and less, the higher the tax. It is as if the corporate tax rate casts a shadow on the entire economy.

We can see that shadow here. This is the way economists model the market for capital—factories, equipment, buildings, IP. The higher the price, the less the companies demand. The lower the price, the more the companies demand. This is a simple concept.

Suppliers of those things are the reverse. If they have to sell at a low price, they don't make very much, but if they can sell at a high price, they make more. These two should meet in the middle, but they don't meet in the middle today because the government has come in and imposed a corporate tax. So each unit of capital costs more than it should because of this tax system. That means businesses only want this much. The producers only get this much. The government takes the rest.

What is left? We can see right here what the government is taking. We can see the effect that taxes have on the economy. What is left is this dark-shaded triangle. This is what economists call deadweight loss. That is the stuff that doesn't happen because of the tax. This is the tax shadow—the deadweight loss. It is deadweight in our economy. In that shadow, business activity just doesn't happen, and workers just don't get the capital they need to be more productive.

Remember, businesses are deciding whether and where to invest that next dollar. If the cost is too high—reflected here—they won't invest, at least not here in the United States. They will decide not to expand at all, or they will expand in a country that has a lower tax rate, or they will simply shut down entirely.

I don't think the American people would be surprised by this. This is not news to them. They lived this for a long time. They know it well. They know businesses are not expanding here. They have seen businesses close. They have seen a slowdown in the startup of new businesses. They know wages haven't gone up in many years.

They understand this shadow. Businesses don't expand. Workers are laid off. Money moves abroad. It is because of this high tax that doesn't leave us with decreases in costs, creating a deadweight loss on our economy. They understand it, and they know that corporations pass that tax on to them in the form of lower wages.

But here is the good news. Help is on the way. Lowering the corporate tax rate lowers the rate of return needed to make investments work. It removes the shadow that blocks the economic sunlight. Suddenly businesses are operating here in the green.

More investment in factories, buildings, equipment, and IP means more Americans are more productive, and that makes total sense. You get more done when you have a new computer than when you have an old clunky one. You produce more when you have a new machine on the line. Workers become more productive, and the companies pay them more both because they are bringing in more and because they want to keep those workers to do more. That is what happens when you lift that economic shadow that we talked about that corporate taxes impose and cast on our economy. You create more jobs, and wage competition grows income.

This isn't just economic theory. As you can see here on this chart, wage increases are significantly higher in countries with lower corporate tax rates. We don't need just simple economic theory; we need economic results, and that is what this chart shows us. High-tax countries like the United States have weak wage growth. The United States is down here on this chart representing the highest statutory corporate rate countries. High-tax countries like the United States have weak wage growth—less than 1 percent, even close to zero percent. You can see that here. Low-tax countries—these are the lowest statutory corporate rate countries. These are the bottom 10 lowest rates. Low-tax-rate countries see a wage growth of 1 percent, 1.5 percent, 3.5 percent, even 4 percent, and that is because they don't live under that economic dead weight, that tax shadow, that deadweight loss zone of high corporate taxes.

It also matches my experience in talking with companies in Colorado. U.S. multinational corporations doing business in Colorado have told me that they want to expand here, but they just can't justify it when they look at the tax rates we have here versus around the world, especially in Europe. I have even heard from some foreign-based companies that do business in Colorado that this sort of reform—I ask unanimous consent to complete my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GARDNER. Mr. President, it would entice them to invest more in the United States. This is real, and the American people need it.

It is good television to say that it is absurd to think that American families will get more money from lowering the corporate rate than the tax raised in revenue, but it is wrong. It is tempting to look at a stash of corporate profits and think that corporations just must not want to invest here or ''let's just take that money,'' but that is wrong too. The right move is to create the tax environment that tells businesses that they should invest here because they can make more money. That is why President Obama called for corporate tax reform. That is why former Treasury Secretary—and one of President Obama's economic advisers—Larry Summers said that reducing the corporate tax rate and lowering the competitive disadvantage faced by American multinationals is ''about as close to a free lunch as tax reformers will ever get.'' That is what we do by lowering the tax rate. That is how American families end up with $4,000 more in their pockets—and not just one time; once this fully takes effect, that increase is permanent.

Mr. President, we have a historic opportunity. The American people need and deserve a new and better Tax Code, a modern one designed for today's world, not an Atari world or a Ford LTD world.

I urge my colleagues on both sides of the aisle to join with us as we modernize our Tax Code and deliver real results for the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, a few moments from now, we are going to come to this Chamber to vote on the nomination of Peter Robb to serve as general counsel for the National Labor Relations Board.

Quite frankly, if we allow this individual to be confirmed, it will be a severe slap in the face to American workers. This is an individual who has made a career out of attacking the ability of American workers to get a fair share of the wealth they create. Yet here is a proposal to put him in a leadership position at an agency whose purpose is to fight to make sure workers get fair treatment. How does it make sense to take someone who has fought to undermine the ability of workers his entire life and put that person in charge of making sure American workers are treated fairly? Certainly, it is exactly the opposite of the argument Candidate Trump made when he said he was going to stand up for American workers. When push comes to shove, the President wants to shove workers down into the ditch.

It boils down to this: The National Labor Relations Board was established 82 years ago in the middle of the Great Depression to protect workers by encouraging and promoting their right to collective bargaining. Think of the power of association so that workers can have the opportunity to have a fair share, to have a basic foundation for their families to thrive. That ability of workers to organize has been behind every advancement we have made as a middle class in America. Be it the 40-hour workweek, safe working conditions, standard benefits, each and every advance was led by workers' ability to organize. Yet here the President wants to put in place an individual who has done everything possible to take away that right, that ability to weigh in for basic fundamental fairness for workers.

The responsibility of the National Labor Relations Board is more important today than ever. We have seen the impact of policies on behalf of the privileged and the powerful—incomes stagnating while the wealthiest Americans see their riches grow right up to the skyline. We have seen that anti-worker forces throughout our country have led an assault in State after State after State against the right of workers to organize and to secure safe working conditions and fair wages.

Here we are at a time when America's workers have seen four decades in which their wages have been flat or declining while the rich and powerful have stripped off the growing wealth of this Nation for themselves. Income inequality has soared, wealth inequality is massive, and here is one more person being nominated to accentuate that inequality in wealth and in income.

Back in 1981, Mr. Robb was lead attorney on the case to decertify the Professional Air Traffic Controllers Organization. The union was striking, and Mr. Robb helped President Reagan break that strike, which resulted in the firing of 11,000 striking workers and, as a commentator at the time said, forever ''undermined the bargaining of American workers and their labor unions.''

When he last worked on the team at NLRB, this nominee was present for decisions that—and this is recounted in a book called ''Right Turn''—''[a]ltered long-standing policy . . . narrowing the scope of activities subject to traditional National Labor Relations Board protections; broadening the permissible range of employer conduct in union representation campaigns; lowering the costs to employers of unlawful activity; and otherwise narrowing or excusing the employer to make changes subject to bargaining without informing unions before the change was made, or by permitting employers wider latitude to end the bargaining process by declaring impasse.''

More recently, Mr. Robb represented Dominion Energy and successfully defeated a union organizing drive at the Millstone Power Station, bragging on his firm's website that he was able to delay the election for ''more than two years after the day the petition was filed.''

As many of you know, he does not want workers to have a fair chance to vote on organizing a union or to work to press for a first contract or to seek fair wages. He has spent his career fighting against workers having that fair shot and defending companies against allegations from union members regarding unfair labor practices—all kinds of unfair labor practices, including age and sex discrimination. Never once in this long career has he been on the side of the American worker—not once; therefore, he has no place

at the head of an organization intended to support the ability of workers to organize and to press for a fair share.

It is unthinkable that this nominee would ever even come to this Chamber. It is certainly part of an endless stream of attacks by the rich and powerful on working Americans that have kept their wages flat and declining for four decades. When are we going to see an end to this sort of oppression by the powerful class against the workers of the United States of America?

There is one act after another by this administration—President Trump and his team—undermining fair wages for workers in this Nation. It is outrageous. This nomination is outrageous, and I encourage my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Wyoming.

NOMINATION OF WILLIAM WEHRUM

Mr. BARRASSO. Mr. President, President Trump has been in office now for more than 9 months. He has laid out his agenda to cut punishing regulations, to grow the economy, and to help hard-working Americans.

President Trump's administration has already taken important steps to roll back the regulatory rampage of the last 8 years. During the last administration, the Environmental Protection Agency issued harmful and punishing, overreaching regulations that hurt workers in my home State of Wyoming.

According to the chamber of commerce, from 2008 to 2016, the EPA issued regulations that cost our economy over $60 billion each year—significantly more than any other Federal agency. These rules had real-life impacts. The Obama administration's so-called Clean Power Plan would have closed powerplants and cost America jobs. We can have both clean air and a growing economy. We have proven it.

My goal is to make American energy as clean as we can, as fast as we can, without raising costs on American families. President Trump shares that goal. That is why EPA Administrator Scott Pruitt has led the charge in cutting redtape. The EPA has taken important steps to roll back the Clean Power Plan and other punishing EPA regulations.

It is interesting. The annual cost of high-impact rules by agencies from 2008 to 2016—there were 13 rules by the EPA—in the red right here, billions and billions and billions—over $60 billion.

Administrator Pruitt needs his full leadership team in place at the Agency to complete the task, so today the Senate is going to vote on cloture so we can consider the nomination of Bill Wehrum. He has been nominated to serve as EPA's Assistant Administrator for the Office of Air and Radiation. Mr. Wehrum has more than three decades of experience in environmental policy. He has worked as an environmental engineer, a public servant at the EPA, and is an environmental lawyer. His time at the EPA includes 2 years of service as the Acting Administrator of the Office of Air and Radiation—the same office he has now been nominated to lead.

EPA's Office of Air and Radiation is critically important in terms of a division within the Agency. It develops national programs, policies, and regulations for limiting air pollution and radiation exposure. One of the responsibilities of this office is implementing the Clean Air Act, and it is a big job.

Here is a chart. Most EPA regulatory burdens come from EPA air regulations; 94.5 percent from the Office of Air and Radiation regulatory burden in 2014; only 5.5 percent from all other EPA offices' regulatory burden of that same year. So under the Obama administration, the air office was one of the biggest regulatory abusers. According to the Office of Management and Budget, the EPA's air regulations were responsible for 95 percent of the cost of the Agency's regulations. Now Mr. Wehrum is going to play a key role in undoing this redtape.

The American people need a qualified leader in the EPA air office. Bill Wehrum is the right man for the job. Don't take my word for it; former environmental Obama Justice official John Cruden said this of Mr. Wehrum: ''I believe he is committed to achieving clean air for all citizens and carefully following sound and current science.'' Marcus Peacock, an EPA Deputy Administrator during the Bush administration, praised Mr. Wehrum, saying that his ''understanding of the Clean Air Act may be second to none. His desire to pull up his sleeves and actually make the Clean Air Act work as a practical matter is second to none.''

Mr. Wehrum's expertise and experience will be tremendously helpful as he pursues policies that will protect America's air, undo regulatory overreach, and allow our economy to grow. I urge all Senators to vote for cloture on Mr. Wehrum's nomination.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Washington.

Mrs. MURRAY. Mr. President, as President Trump continues to undermine worker protections and prioritize corporate profits, it is very critical that the NLRB is independent and is committed to promoting collective bargaining.

When corporations try to take advantage of their employees, workers should be able to turn to the NLRB to intervene. Unfortunately, Mr. Robb's career as a corporate lawyer fighting against workers gives me great concern he will not have workers' best interest at heart in this role. So I will be voting no on this nomination, and I urge my colleagues to stand up for workers and do the same.

I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the Robb nomination?

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. PAUL), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Kansas (Mr. ROBERTS) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 266 Ex.]

YEAS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoeven	Scott
Cochran	Inhofe	Shelby
Collins	Isakson	Strange
Corker	Johnson	Sullivan
Cornyn	Kennedy	Thune
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—46

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Manchin	Warner
Donnelly	Markey	Warren
Duckworth	McCaskill	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	
Franken	Murray	

NOT VOTING—5

Cruz	Paul	Tester
Menendez	Roberts	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

The Senator from Delaware.

Mr. CARPER. Mr. President, I rise in opposition to the nomination of William Wehrum to be EPA's Assistant Administrator for Air and Radiation.

President George W. Bush nominated Mr. Wehrum for the very same job in 2005. He was not confirmed then but was able to serve in that role on an acting basis—something he could not lawfully do today. At the time, I voted against Mr. Wehrum's nomination because I feared he would impede efforts to clean our air and protect the health of Americans. Sadly, my fears have been proved well-founded. Twenty times, the courts found that clean air regulations that Mr. Wehrum helped craft did not follow the law or protect public health.

Since leaving EPA in 2007, Mr. Wehrum has spent his time suing the Agency.

Mr. Wehrum was elusive in answering our questions. When asked which clean air regulations he supports, he could not name a single one—not one.

Mr. Wehrum's extreme views are not good for public health and, quite frankly, the legal uncertainty that stems from his judgment would not be good for American businesses. That is why I call on all of my colleagues to join me in opposition to this nomination.

Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, Mr. Wehrum has been nominated to serve as the EPA Assistant Administrator for the Office of Air and Radiation. He has more than three decades of experience in environmental policy. He has worked as an environmental engineer. He has been a public servant at the EPA as an environmental lawyer. His time at the EPA includes years of service as the Acting Administrator of the Office of Air and Radiation, the same office to which he has now been nominated.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

Mitch McConnell, Orrin G. Hatch, Thom Tillis, John Barrasso, Johnny Isakson, Chuck Grassley, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. PAUL), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Kansas (Mr. ROBERTS) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

The PRESIDING OFFICER (Mr. LEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 267 Ex.]

YEAS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Rounds
Burr	Hatch	Rubio
Capito	Heller	Sasse
Cassidy	Hoeven	Scott
Cochran	Inhofe	Shelby
Collins	Isakson	Strange
Corker	Johnson	Sullivan
Cornyn	Kennedy	Thune
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—46

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Manchin	Warner
Donnelly	Markey	Warren
Duckworth	McCaskill	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	
Franken	Murray	

NOT VOTING—5

Cruz	Paul	Tester
Menendez	Roberts	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senator from Tennessee.

HEALTHCARE

Mr. ALEXANDER. Mr. President, healthcare is on the minds of the American people. According to the Washington Post, in the elections in Virginia yesterday, it was by far the biggest issue in voters' minds. Maine expanded Medicaid.

In my home State of Tennessee, because of the Affordable Care Act's structure, premiums have gone up 176 percent over the last 4 years and another 58 percent, on average, for 2018 is predicted.

Tennesseans, like millions of Americans, are going through open enrollment and have sticker shock when they see the prices of the health insurance they might buy, and the 178 million people who are getting their insurance on the job—that is 60 percent of us—know they might lose their job, they might change their job, and they might be in the individual market themselves and might find themselves exposed to these skyrocketing premiums and the chaos that results from them.

This is especially difficult for Americans who have no government subsidy to help them buy insurance. In 2016, according to the Department of Health and Human Services, there were about 9 million of those Americans.

There are 350,000 people in Tennessee who buy insurance on the individual market. That means they don't get it on the job. They don't get it from the government. They go out and buy it themselves, and 150,000 of those pay the whole brunt. So if insurance costs go up 176 percent over 4 years, another 58 percent this year, that means the songwriter, the farmer, the self-employed person has a very difficult time buying insurance. It is a terrifying prospect. That is why healthcare is on the minds of the American people.

One would think the American people might turn around and look at Washington and ask: Why doesn't the President of the United States and why don't Members of Congress—Republicans as well as Democrats—get together and do something about the skyrocketing premiums?

Well, what would you think if I told you that last month the President of the United States, President Trump, called me and asked me to do just that?

He said: I don't want people to be hurt over the next couple of years while we are continuing to debate the long-term structure of healthcare on the individual market. So why don't you get with Senator MURRAY from Washington—she is the ranking Democrat on the Senate HELP Committee—and why don't you try to work something out so people will not be hurt during these 2 years.

He said: I have to cut off the cost-sharing payments because the court has said they are not legal, but we can put them back. Go negotiate. See what you can do. Try to get some flexibility for the States.

Fortunately, Senator MURRAY and I were already working on that and to have the President's call was encouraging to me. He called me three more times over the next 2 weeks, and the long and short of it is we produced a result.

Here is what the result looks like—and I am going to talk about it from the point of view of why Republicans are supporting it. Senator MURRAY and Democratic Senators were here earlier saying why they were supporting it. Senator ROUNDS from South Dakota, a former Governor of that State, a man who understands insurance very well and helped develop this proposal—we are here today to say this happens to be one of those bills where there are

good reasons for Democrats to support it, there are good reasons for Republicans to support it, and the President has asked for it.

Here is what it does, from my point of view. The so-called Alexander-Murray legislation, which was recommended to the Senate by Senator MURRAY and me—there were 12 Republicans and 12 Democrats who were original cosponsors, including Senator ROUNDS and myself. That doesn't happen very often here. That is one-quarter of the Senate offering a bipartisan bill on a contentious subject to the Senate.

Here is what it does. One, it lowers premiums. In 2018, where the rates are already set, it requires the States to work with the insurance companies and give rebates for the high premiums that have already been set. In 2019, it will lower premiums. That is the first thing it does and the first reason why I and many Republicans support it.

Because the premiums are lower, it also means fewer tax dollars are going to pay for ObamaCare subsidies. That is another reason Republicans and conservatives like the idea of the Alexander-Murray bill.

Another reason we like it is, because there are lower subsidies, there is less Federal debt. The Congressional Budget Office has examined our bill and has said that it saves money over 10 years, nearly $4 billion.

There are other reasons we like it. It gives States flexibility in increasing the variety and choices of the insurance policies they can recommend. That is the biggest difference of opinion we have between that side of the aisle and this side of the aisle. They want Washington to write the rules; we want the States to write the rules.

We agreed to make some changes so that States can write more rules. For example, the Iowa Senators, Mr. GRASSLEY and Mrs. ERNST, are cosponsors of the bill because the language in the Alexander-Murray amendment would permit the Federal Government to approve the Iowa waiver. Iowa has a way that it wants to use the Federal dollars to enroll more people and to give them lower costs. It would allow New Hampshire to use Medicaid savings to help pay for its Obama waiver. Both the Democratic Senators and the Republican Governor of New Hampshire have asked for that. It allows Minnesota to use a stream of Federal funding so that it can have its own waiver. It would allow Oklahoma, which has been waiting, to get its waiver approved.

What do we mean by ''waivers''? What this means is that States can look at the people in their State and make their own decisions or more of their own decisions about a variety of choices. Alaska did that earlier. They are the only State that has been able to use the section 1332 innovation waiver, as we call it, and they were able to create a special fund for very sick people and then to lower rates for everyone else by 20 percent and to do 85 percent of that with Federal dollars—no new Federal dollars, 15 percent by the States.

The reasons Republicans like the Alexander-Murray bill, the reasons we have 12 of us on this side of the aisle cosponsoring it, along with 12 Democrats, are lower premiums, fewer tax dollars for ObamaCare subsidies, less Federal debt, more flexibility for States, a new so-called catastrophic insurance policy so you can buy a policy with a lower premium and a higher deductible so that a medical catastrophe doesn't turn into a financial catastrophe. Those are all reasons to support it.

Here is the long and short of it. The American people have healthcare on their minds. It is certainly true in Tennessee, where the rates are up 58 percent. It was certainly true in Virginia yesterday. It is certainly true in Maine. I see the Senator from Maine is here, and he has been an important part of this discussion.

The people of America say: Why don't the President, the Republicans, and the Democrats in both bodies get together and do something about it? I am happy to report we have. We have a bipartisan proposal. It doesn't solve every problem, but it limits the damage. It lowers premiums. It avoids chaos. It saves Federal tax dollars. It has the support of a significant number of Republicans and Democrats, and it is done at the request of the President.

I hope that when the President returns from Asia, he will go to his desk and find a nice package there with a bow on it, presented by Senator MURRAY and me, 24 of us in the U.S. Senate—Republicans and Democrats—which does exactly what the American people, I think, want us to do: Lower premiums, avoid chaos, work together, take a step in the right direction, and let's see if we can help the American people in that way.

I know the Senator from South Dakota is here, and I thank him for his leadership on this. He, along with the Senator from Maine who is here, Mr. KING, spent a good deal of time working on this piece of legislation, which has a lot that Democrats like and a lot that Republicans like—so much so that we are able to recommend it in a bipartisan way. I know he may have things that he may want to say about the bill.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Maine.

HEALTHCARE

Mr. KING. Mr. President, I don't wish to take much of the Senate's time, but I want to emphasize and echo the comments made by the Senator from Tennessee. He and his ranking member, PATTY MURRAY of Washington, have done a magnificent job. What I want to emphasize is not necessarily the content of the bill, which he has outlined expertly, but the process by which this bill has come to the U.S. Senate. To me, it is an example of how this place can and should work.

There were a series of essentially four all-day hearings. There were workshops to which all Senators were invited, and I think at least half of the Senate attended several of those workshops. We had a bipartisan witness list. We had Governors. We had insurance commissioners. We had experts on the health services industry from around the country. The result was a piece of negotiated, compromised but thoroughly worked through, and important legislation that can do exactly what the Senator from Tennessee outlined: Lower premiums, end the chaos in the individual market, save the Federal Government money over the period of the next 10 or 20 years, and really make a difference for the people of Maine.

I particularly want to compliment and express my appreciation to Senator ALEXANDER and Senator ROUNDS for the work they have done to bring the issue to this point. I deeply hope, as the Senator from Tennessee, Mr. ALEXANDER, just said, that when the President returns from his trip, he will see this bipartisan agreement—or in my case, a nonpartisan agreement—that has come forward to solve some serious problems. It doesn't solve all the problems, but it is a step forward. It also is exactly what the American people want us to do—to talk to each other, listen to each other, gather the data and the information, and come up with legislative proposals that make common sense and will make a better place, a better healthcare system, and serve our citizens and our people across the country in a better way than the current arrangement.

Again, I want to compliment my colleague from Tennessee and also my colleague from South Dakota, Senator ROUNDS, for the work they have done on this. We are at a place where we can really do something good, not only substantively but also by showing the Nation how this body can and should work.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, let me begin by acknowledging the leadership that Chairman ALEXANDER and Ranking Member MURRAY have offered and also by saying how much I have appreciated the hard work that Senator KING from Maine has participated in, as well, in this process. They have worked together, side by side, to try to find some common ground while still retaining and protecting the principles they all hold with regard to how health insurance, long term, should be approached.

Coming to a bipartisan agreement on this very important piece of legislation

is only the first step. As you know, a deal was announced last month to give States permanent flexibility to avoid some of ObamaCare's most crushing mandates, while also temporarily authorizing the cost sharing reduction, or CSR, payments for 2 years. That is what the piece of legislation we are referring to in this particular case, the Alexander-Murray legislation, would do.

This agreement is a win for conservatives who have spent the past 7 years promising to relieve the American people of ObamaCare's skyrocketing premiums, limited choices, and Federal chokehold. For the first time since ObamaCare was forced onto the American public, the Alexander-Murray legislation is an opportunity to provide permanent, meaningful opportunities for States to opt out of some of ObamaCare's most egregious mandates under the 1332 waiver program, while making healthcare more affordable for their constituents.

As a former Governor, like my colleagues Mr. ALEXANDER and Mr. KING, I understand that the best decisions are made at the State and local levels, not by Federal bureaucrats. Empowering States with new opportunities to innovate and strengthen their individual health insurance markets in a way that meets their citizens' unique needs is a first step toward repealing ObamaCare and allowing the marketplace to once again be competitive and innovative.

In exchange for the permanent 1332 waiver changes, we have agreed to temporarily authorize the administration to make CSR payments for 2 years, similar to the provisions of the Better Care Reconciliation Act, which 49 Republican Members of the U.S. Senate supported earlier this year.

Recall that President Trump announced recently that he would stop the CSR payments after a Federal court found them to be illegal because they had not been appropriated by Congress. Not surprisingly, the previous administration had continued making these payments, a practice that President Trump rightfully and correctly stopped after months of warning that he would do so. We applaud the President for returning this appropriations decision to its constitutional place—with Congress.

We also recognize that there are millions of Americans who will face steep premium increases come January as a result of this challenging decision. This is in addition to the already skyrocketing premium increases that Americans are facing because of ObamaCare, because of the concept on which it was built. The American people did not ask for ObamaCare, and they shouldn't be unfairly punished.

By extending these payments for only 2 years, our legislation will stabilize the market and help provide a smooth transition as we continue to work on a full repeal and replacement. Providing a smooth transition away from ObamaCare has been included in every serious Republican healthcare plan to date. We have to have a transition in order to move away from the existing healthcare plans. In fact, I cannot think of a single GOP colleague who doesn't support a smooth transition so that we don't hurt families as we move away from our current, unworkable system.

It is also important to point out that Alexander-Murray is merely a step one in the total repeal and replacement of ObamaCare. Because of House and Senate rules, the 1332 waiver changes outlined in our bill are not eligible to be included in budget reconciliation legislation, which is the vehicle being used to repeal and replace ObamaCare by congressional Republicans and which we continue to work on. We need both bills. This is a two-step process.

We fully expect there to be an opportunity for us to finish the full repeal and replace of ObamaCare next year and are united in our desire to get it across the finish line. But 1332 waiver changes found in this bill require bipartisan support in the Senate, period. It requires 60 votes. That is not available to us or is not part of the remaining part of the challenge of the total repeal and replacement. We need both bills in order to get this done.

We have also included additional assurances within this bill to make certain our bill does not bail out insurance companies, as Senator ALEXANDER stated earlier. CBO, or the Congressional Budget Office, confirmed this in the October report, noting that it benefits taxpayers and low-income policyholders, not insurance companies.

I also want to point out that there is also a fiscal case to be made for continuing the CSR payments in the short term. The nonpartisan Congressional Budget Office—once again, the CBO—found that the Federal Government will be on the hook to subsidize care of the individuals who otherwise would receive premium assistance via the CSR payments.

The CSR payments have ended. Insurers who stay in the individual marketplace will be forced to raise their prices to compensate. Instead of costing $7 billion, as it did this year under the use of CSRs, the CBO estimates that the disruption caused by abruptly ending the CSRs will cost the Federal Government an average of $25 billion annually, more than four times the current rate.

The fact that ObamaCare is failing is not a partisan issue. Members of both parties have acknowledged that it is rapidly sinking. Our colleagues on the other side of the aisle believe it is fixable. Republicans believe we have to go in a different direction. Democrats have refused to admit the failure. They recognize it is sinking—they think it is fixable—but, until now, have been unwilling to make any concessions to the law they were solely responsible for creating.

We must seize the opportunity to provide States with much needed relief from ObamaCare and show that States are far better at coming up with health insurance rules which are tailored to their individual needs. The only tradeoff is in fulfilling our promise to stabilize the individual market temporarily while we continue our work to repeal ObamaCare and replace it with a truly competitive market-based system. In the meantime, States will already be given that option under our plan.

Let me just share this. Sometimes when you look at a bipartisan piece of legislation, our colleagues on the other side of the aisle will point to the fact that they want to stabilize the market now. Republicans will point to the fact that we need to stabilize the market and provide the opportunity for the full repeal and replacement to become effective. ObamaCare started in 2009. It was passed in 2009. Yet it took until 2014 for all of the impacts to actually begin to accumulate—5 years. To undo it, it will take time for the States to create their fixes.

We have to pass the legislation, and the HHS has to create the rules. Then, at the local level, at the State level, the State legislatures have to create the laws once again that were torn apart by ObamaCare in the first place. Then their divisions of insurance and their departments of health have to actually create the rules. The insurance companies that are out there that want to compete once again have to be able to contract with doctors and hospitals. They have to go on out and not only write the contracts that will comply with the law and the regulations, but then they also have to go on out and market that product to individuals.

The exchange from one contract under ObamaCare to a contract with a competitor, which is when insurance carriers can actually offer different types of products to group plans or to individuals, will take time. That transition can hardly be done in less than 2 years, thus the need and the offer in all of the Republican proposals to take this 2-year time period and actually help the American people get through this very difficult time without hurting them more than the pain they will have already felt with the continuation of ObamaCare. It simply takes 2 years to make any reasonable transition happen.

Once again, I would like to acknowledge the hard work of the Senator from Tennessee, Mr. ALEXANDER, and the way in which he has created a team effect, a team plan, on getting this through. I also acknowledge the hard work of Senator MURRAY and her working side by side with Senator ALEXANDER in trying to find common ground so her colleagues see the importance, from their perspectives, while, at the same time, those of us on this side of the aisle reflect on the first step in a long-term goal of the repeal and replacement of ObamaCare.

For the first time, we have a chance. For the first time, we have an opportunity to take a step statutorily, with

a 60-count vote, in actually making changes to the substance of ObamaCare. It is high time. It is time to get started. It is time to move forward.

I thank all of our colleagues for working side by side in at least slowing down the damage which has been occurring and which will continue to occur until we get the full replacement of ObamaCare behind us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that my remarks not be counted against my postcloture time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CARPER. Mr. President, while Senators ALEXANDER and ROUNDS are on the floor—Senator KING has just left—I find it ironic that the four of us who are gathered here are former Governors and are interested in getting things done and are interested in working across the aisle. We want to be able to achieve better results for less money. I applaud Senators ALEXANDER and MURRAY for their efforts in trying to ensure that we begin to do that.

I think my friend from South Dakota gives much credit to President Obama in his attacking what was originally bipartisan legislation that had been introduced here in 1993 by Senator ORRIN HATCH, with 22 Republican cosponsors, and that later became RomneyCare.

The idea behind their proposal was that there ought to be exchanges in every State and that the people could join if they did not have healthcare coverage; No. 2, that there would be a sliding scale tax credit to help buy down the cost of coverage for people who got their care in the exchanges; No. 3, that there would be an individual mandate that said you don't have to get coverage but that, if you don't, you have to pay a fine; No. 4, that there would be an employer mandate that said employers of a certain size would have to cover their people; No. 5, that insurance companies could not refuse to cover people with preexisting conditions.

Barack Obama had nothing to do with that. We continue to hear folks deride the idea of the exchanges and the five points I just mentioned as ObamaCare. He had nothing to do with it. When we marked up the Affordable Care Act, we took, really, those ideas from the 1993 legislation here, with 23 Republican cosponsors—RomneyCare—and proposed and implemented it, I think, in 2006. It worked. When we were marking up the Affordable Care Act, we were actually looking for something that worked in order to give coverage to people in a cost-effective way.

In 1993, the Republicans used, I think, what was originally a Heritage idea—Romney in 2006. They had a good idea, and it used market forces. What we have never done since the Affordable Care Act went into place is actually enable a good Republican idea to work. I think what Senator ALEXANDER has put together with Senator MURRAY can help move us closer to that step.

Some other things that I think we ought to do include a reinsurance plan along the lines that Senator KAINE and I have introduced, and that, I think, has a fair amount of support in a lot of corners. If we are not going to have an individual mandate—and I think we ought to, but if we are going to take it away—the other thing is to make sure that we put in its place the exchanges having young, healthy people so you have a group of folks in each State in the exchanges who are insurable without the insurance companies losing their shirts.

I think one of the great things about what Senator ALEXANDER and Senator MURRAY are trying to do here is to take the small step of ensuring that the cost-sharing reductions really help lower income people with their copays and help them with their deductible costs. If we can do that, along with the 1332 waiver, which I support, this can be a confidence builder. Maybe we can do some other things like the reinsurance ideas we have and others have. If there is a better idea than the individual mandate, by golly, let's do that, but we need healthy, young people in the exchanges.

My hope is, we can find common ground and make it on a little broader range of ideas to bring us good healthcare coverage at an affordable price and then turn—kind of pivot—to the Affordable Care Act itself. As for the stuff in the Affordable Care Act that ought to be changed or dropped, let's do that. As for the portions of it that ought to be preserved, let's do that as well.

Again, I commend my friends for coming up with this very good step. My hope is that we can get a vote for it.

I met with a lot of insurance company folks earlier today. We do not agree on everything, but one of the things I heard from them is, if we were to do what Senator ALEXANDER and Senator MURRAY have called for with respect to cost-sharing reductions and if we were to do some kind of reinsurance plan along the lines of what TIM KAINE and I have suggested—but not necessarily that—and if we were to do something to make it clear that the individual mandate or some other mechanism were going to be in place and stay in place so we could get young people into the exchanges, if we were to do those three things, they told us, we could bring down premiums anywhere from 30 to 35 percent in the exchanges.

Who benefits the most? As it turns out, it is not just the people who are getting their coverage in the exchanges. Who else benefits the most is Uncle Sam because, if we reduce premiums by 30 to 35 percent, Uncle Sam, which pays all of these tax credits to help buy down the cost of coverage in the exchanges, reaps a big benefit as well, and that helps to bring down the size of the deficit, which is good.

I was just inspired by your words, of both of you, and wanted to say that and to applaud your efforts. It is a pleasure and an honor to work with you, and I look forward to doing more of that.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to briefly thank the Senator from Delaware.

As the Senator from South Dakota said, this has been a very contentious issue, but we thought that if we listened enough, we might find a few things we could agree on. Senator MURRAY and I not only involved our committee, which is a committee of 22 or 23 Senators, but we invited anyone not on the committee to come and meet with the witnesses—the Governors and the State insurance commissioners—for an hour before the hearings. We had nearly 60 Senators involved in the entire process on those 4 days. That is pretty remarkable when you have 60 Senators—more than half of whom are not on the committee of jurisdiction—attending and participating, and that helped develop what we did.

The person with the best attendance was Mr. CARPER, the Senator from Delaware. He is not a member of the committee, but he came to every one of the committee meetings, and he often stayed for the hearings themselves. I thank him for his active participation.

In boiling it all down, I think what we are trying to say is, there is a lot we still do not agree on, but we have heard the American people. Healthcare is on their minds. They are signing up, and those who are in the individual market are getting sticker shock if they do not have any government support. For the next couple of years, we have a plan that will avoid chaos and begin to limit the growth of premiums and, in 2019, reduce premiums. In addition to that, it will give Americans a new plan to buy called the catastrophic plan, and it will give many States the opportunity to use some of their own ingenuity to create a larger variety of choices.

That is a good set of options with which to respond to the American people who ask: Why don't the President and the Congress work together to do something about healthcare? It does not solve all of the problems, but it is a step in the right direction, and it is something we can build on.

I thank the Senator from Delaware for his contribution, and I thank the Senator from South Dakota for his.

I hope, when the President returns from Asia, that he will look at the agreement he asked us to produce, and I hope he will support it. If he does, I believe it will be part of the law when we go home for Christmas.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, my hope is that during President Trump's visit to Japan, he asked the leader of Japan why it is that when Japan only spends 8 percent of its GDP on healthcare, it gets better results than we do, and it covers everyone. Yet, when we spend 18 percent, we don't cover everybody, and we don't get better results. That is a good question, and I hope the President and Prime Minister Abe got into that. Yet that is something I need to turn away from now.

Mr. President, I rise in opposition to the nomination of Bill Wehrum to be EPA's Assistant Administrator for Air and Radiation.

We have seen this movie before, but like many sequels, this one may actually be worse than the original. My opposition to this nominee should not come as a surprise to my colleagues or to Mr. Wehrum because, in 2005, President George W. Bush nominated him for the exact same position, Assistant Administrator for Air and Radiation at the EPA. I opposed his nomination at that time, as did many of my colleagues, and he was not confirmed.

Prior to his nomination in 2005, Mr. Wehrum was an industry lawyer and later a political employee at the EPA. He served as chief counsel to Jeff Holmstead, then the Acting Assistant Administrator for Air and Radiation, from 2001 through 2005. While serving at the EPA during this time, Mr. Wehrum had a concerning track record of suppressing scientific information and the work of the EPA's career staff, deferring to industry on issues of public health, and not responding to my colleagues and to me when we were then serving on the Environment and Public Works Committee.

President Bush eventually nominated Mr. Wehrum to fill Jeff Holmstead's seat and to serve in an acting capacity as Assistant Administrator for Air and Radiation at the EPA, something Mr. Wehrum would not be able to lawfully do today.

Behind me, to my left, is an excerpt from an editorial from April 2006. The New York Times published an editorial opposing Mr. Wehrum's nomination that mirrored my concerns at the time:

> [The Holmstead era at EPA] will be remembered chiefly for its efforts to weaken the Clean Air Act (particularly with respect to rules governing mercury emissions and older power plants), to manipulate science and to elevate corporate interests above those of the public. Mr. Wehrum, who served as Mr. Holmstead's deputy and doctrinal hit man, could make things worse.

That is a direct quote from this editorial. This is the New York Times editorial from 2006 opposing Mr. Wehrum's nomination for the very same position he seeks today.

During the Environment and Public Works Committee's consideration of Mr. Wehrum's nomination in 2005, I voted against him because I feared he would continue to fail to clean our air and protect public health. Despite the fact that Mr. Wehrum was not confirmed due to his inability to secure the 60 votes needed for cloture on his nomination, he was able to serve as Acting Assistant Administrator for EPA's air office for 2 years.

Since leaving the EPA, Mr. Wehrum has returned to industry and served as an industry lawyer in litigation against the EPA.

Since returning to the private sector, Mr. Wehrum has reflected on his time spent at EPA. In doing so, he didn't point to the good work he did at the Agency to advance its public health mission or the lasting protections he put in place that made a difference in the lives of ordinary citizens; instead, he noted that his tenure at EPA was really good for business, saying:

> I'm a much better lawyer now than when I first joined the agency. To really get to know how the agency works and how it ticks, I think that is very valuable. I have expanded my capabilities which will hopefully allow me to be effective in generating business and clients.

In generating business and clients. Sadly, my fears of 2005 were well-founded, and only one thing has changed—the Senate rule with respect to the number of votes we need to consider and confirm a nominee. If Mr. Wehrum is confirmed this week, it will be because he is the beneficiary of the Senate's elimination of the requirement with respect to needing 60 votes to consider nominees. It will not be because he is better suited for this important job.

I will walk through some telling numbers for my colleagues this evening. The first number is 31. That is the number of times Mr. Wehrum has represented industry against the EPA in Federal court since 2009.

Let me be clear on this. After serving in an unconfirmed capacity at the EPA because he was too far outside the mainstream to be confirmed by this body, Mr. Wehrum then left the Agency and has spent the years since suing that very same Agency and attempting to weaken environmental and public health protections on behalf of his industry clients. Many of these lawsuits are still ongoing and, in the majority of the pending lawsuits, Mr. Wehrum has represented the interests of Big Oil.

Look at another poster. The number 27. What does 27 refer to? It refers to the number of times public health groups prevailed in court when challenging Bush-era clean air regulations that Mr. Wehrum helped to craft because they did not follow the law or sufficiently protect public health. Failing to follow the Clean Air Act meant delays in public health protections and uncertainty for businesses across America.

I don't doubt that Mr. Wehrum is a fine lawyer—so why were so many of the rules he helped to write found to be unlawful? The confirmation process is essentially a job interview. It is not a job interview with EPA, in a sense, and it is not really a job interview with us, but it is a job interview with the American people. In this case, Mr. Wehrum is essentially applying for the job he already had at EPA, and you would think that would be easy, but Mr. Wehrum's resume shows that a great deal of the work he did in his last job as Acting Assistant Administrator for Air and Radiation was not up to par. In this job, subpar work impacts millions of Americans, especially children and the most vulnerable among us.

The next number is 10. Ten is the number of additional years that children were exposed to toxic air emissions from powerplants because of delays Mr. Wehrum helped put into place while at the EPA.

The next number is eight. The number eight refers to the number of days before Mr. Wehrum's latest confirmation hearing when he was in a courtroom arguing against rules that would protect 2.3 million miners, construction workers, and bricklayers. According to Mr. Wehrum, ''People are designed to deal with dust. . . . People are in dusty environments all the time and it doesn't kill them.''

The next number is two, which is the number of times the DC Circuit Court cited ''Alice In Wonderland'' in its decisions to reject EPA rules that Mr. Wehrum helped craft because, in the court's view, the regulations were based on fantasy rather than following ''the rule of law.''

The next number is one. One is the number of times that language from a law firm that represented industry—and also happened to be Mr. Wehrum's former employer—made it verbatim into a clean air regulation that Mr. Wehrum stated he was ''extensively involved'' in preparing.

Think about that.

Zero. Zero is the number of times Mr. Wehrum advocated in court for stronger clean air regulations since leaving the EPA. It is an especially troubling number for those of us living in downwind States like Delaware. We live at the end of America's tailpipe, along with our neighbors in Maryland, New Jersey, Pennsylvania, New York, and folks all the way up to Maine. Zero is also the number of times Mr. Wehrum expressed a desire to protect public health when I met with him prior to his confirmation hearing.

Mr. Wehrum sits before us again today nominated for the very same position he was nominated for 12 years ago. After reviewing Mr. Wehrum's record, talking to him in person, and listening and reading his answers during the hearing process, my position has not changed since 2005, primarily because his views do not appear to have changed.

Like other EPA nominees, Mr. Wehrum was evasive on many of the questions asked of him, even convincingly forgetting a case that he worked on against the renewable fuel standard in National Chicken Council, et al v.

EPA. However, what was clear in the answer that he did give, and in his conversation with me, is that public health simply is not Mr. Wehrum's main concern.

In fact, when asked what Clean Air Act regulation he does support, he answered as follows:

> I represent clients in private practice. It is my legal ethical duty to zealously represent their interests.

Well, in this job interview with the American people to be Assistant Administrator for the Office of Air and Radiation, the American people are his clients, and the fact that he cannot—or has refused to name—a single regulation that helps to ensure that they and their families have clean air to breathe is almost disqualifying in and of itself. Whether it is carbon, mercury, silica, or other toxic air pollution, Mr. Wehrum continues to show that he sides with polluters over science and doctors every time.

Mr. Wehrum's extreme views will not be good for public health, and quite frankly the legal uncertainty that has resulted from his past work will not be good for American businesses. Businesses need certainty and predictability, and they don't get it with the kind of work he has done.

Let me close by reminding our colleagues that next week we celebrate the 27th anniversary of the signing of the Clean Air Act Amendments of 1990. Twenty-seven years ago, we weren't debating how to weaken or delay our clean air laws. Instead, we passed bipartisan legislation that would improve and strengthen our clean air laws based on the very best science. In the process, we strengthened our economy too. Back then, 89 Senators, including some who still serve in this Chamber, voted to approve the Clean Air Act Amendments of 1990. As a Congressman over at the other body at that time, I voted along with them. A Republican President, George Herbert Walker Bush, signed the bill into law 27 years ago today. It was commonsense legislation, it was bipartisan, and we are all better for it.

When the Clean Air Act Amendments of 1990 passed Congress, I was a Congressman in the House, and I voted in favor of that bill. I was proud of helping to pass that monumental law because I believed then, and I still believe today, that we can protect our environment and grow our economy at the same time—and we have the job numbers to prove it.

We have had some delays in implementation, but, by and large, the law has been a huge success and has benefited just about every American. For every dollar we spend in installing new pollution controls in cleaning up our air, we have seen $30 returned in reduced healthcare costs, better workplace productivity, and saved lives. We have a return of $30 for every dollar we spend installing new pollution control.

The bottom line is, fewer people are getting sick and missing work because of the Clean Air Act and the Clean Air Act Amendments of 1990.

When it comes to the rhetoric surrounding air regulations, there is a lot of fake news that people like to peddle, but as the saying goes: Everyone is entitled to his or her own opinions but not to his or her own facts.

Here are the facts. Our economy did not take a slide because of clean air protection. Quite the opposite is true. The Obama administration implemented the Clean Air Act based on the best science to date. Now our air is cleaner. We have seen 8 years of economic growth.

I will say that again. We have seen 8 years of economic growth, the longest stretch in our history. Energy prices at the pump and the meter are lower than when President Obama took office—lower, not higher. The beauty of our clean air laws is that they are not static. Our clean air protections keep up with the latest oversight science and the latest technology.

As we learn more about what makes us sick, about what is impacting our environment, and about what can be done to clean it up, the EPA has the authority, under the Clean Air Act, to make adjustments to make it better, to ensure that it protects more people, not fewer. That has been the trajectory to date. As technology and science develop, so do our clean air regulations.

That is also the story of our country. Through innovative and creative solutions, we strive for progress in order to have a better life here at home and to lead the world in tackling the environmental challenges of our time. Mr. Wehrum's policies have been tried and have been proven not only unsuccessful but even dangerous. We don't need to continue to move backward. We need to move forward.

Mr. President, I will leave you and our colleagues with this. I am sorry to say that Mr. Wehrum has worked deliberately to halt that progress, to delay that progress and to roll back clean air laws that have been protecting America and Americans for decades. Unlike many of the nominees who have come before us this year, unfortunately, we don't have to speculate about how Mr. Wehrum would do in this position. We have already seen it. We have already seen it, and the results were not good for the rest of us.

As his clients at this time, we deserve better representation. Today Americans deserve leaders at EPA who will be impartial and will look out for the interests of all Americans, not just Big Oil and the kind of clients who can afford Mr. Wehrum's legal bills.

We have seen this movie before, and there is no need for a sequel. I regret having to say that, but I do believe Mr. Wehrum is not the right fit for this position today, any more than he was a dozen years ago.

I encourage my colleagues to vote no on his nomination to serve as EPA's Assistant Administrator for air.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

VETERANS DAY

Mr. KENNEDY. Mr. President, this Saturday is Veterans Day, a day when we honor the brave women and brave men who have served in the defense of this great Nation. We need to take a moment to reflect on the freedoms that we enjoy every day—and sometimes take for granted—as American citizens, and we need to take that moment to thank those who have devoted their lives to serve and protect the greatest Nation in human history, the United States of America.

Mr. President, as you know, our country is home to over 20 million veterans, and I have the privilege of representing more than 250,000 veterans in my State of Louisiana. Today, I would like to talk about two of those veterans from my State who are illustrative of the extraordinary service that all of the veterans in Louisiana have offered their country.

The two gentlemen I would like to talk about, the two brave Americans, are Ira Schilling and Earl Louis Messmer.

Ira Schilling is from Shreveport. He enlisted in the U.S. Marines Corps in October of 1941, at the age of 16. He was 16 years old. After completing his training, Ira was assigned as a rifleman to L Company, 3rd Battalion, 6th Marines, 2nd Marine Division, and he took part in combat operations on Guadalcanal during the final weeks of that bloody campaign.

Ira was discharged from Active Duty in October 1945. In 1948, Mr. Schilling tried to reenlist in the U.S. Marines Corps. He was married at the time. The Marines Corps turned down his request. Undaunted, Mr. Schilling just went over and enlisted in the U.S. Navy, and he spent another 2 years on Active Duty in defense of this country. Ira is now 92 years young, and he lives in Haughton, LA, and he is a Civil Air Patrol wing chaplain.

Mr. Earl Louis Messmer was born in New Orleans, in the southern part of my State, in 1923. He is very proud—and we are all proud of him—for serving in the Battle of Peleliu from September 15 to November 15, 1944.

That battle was a fight to capture an airstrip in the Western Pacific Ocean. The United States won. We prevailed due to the bravery of the Army's 81st Infantry Division, of which Earl was a member.

Upon his return from World War II, in 1945, Mr. Messmer went to Tulane University.

Earl has 2 daughters, 5 grandchildren, and 10 great grandchildren,

all of whom are enjoying the freedom of this country for which he fought so gallantly.

Earl has resided in Metairie, LA, since 1942.

It is imperative, in my judgment, that this Veterans Day—and every day—we honor the service and sacrifices made by our women and our men in uniform. That is why I have introduced a bill. It is the 75th Anniversary of the End of World War II Commemorative Coin Act. I say to the Presiding Officer, I hope you will vote for it. This bill would authorize a commemorative coin to mark the milestone anniversary and the historic sacrifices of what has been aptly termed ''the Greatest Generation,'' and this bill will cost the American taxpayer zero dollars.

Thanks to the selflessness and bravery of 16 million American military personnel—brave men and women, brave men like Ira and Earl, of whom I just spoke, many of whom have lost their lives in this global conflict in World War II—liberty and democracy ultimately prevailed against the rawest, ugliest form of tyranny. The least we can do, it seems to me, for those who fought for our freedom, is to ensure that institutions like the National World War II Museum in New Orleans are able to continue their mission to educate future generations about our country's role in World War II and to support the families of our veterans.

I would like to urge all of my colleagues to please join with me, as I know they will, in thanking the millions of veterans who have fought and served our country, and I hope we can all pray together for the safety of our brave women and men in uniform who are still serving today.

Thank you, Mr. President.

I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VAN HOLLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRINK ACT

Mr. VAN HOLLEN. Mr. President, as we all know, President Trump is now in China on an important trip, where his top priority is obtaining China's cooperation in confronting North Korea's nuclear weapons program.

While we should continue to seek China's cooperation in applying economic and other pressures on North Korea, we also need to send a very clear and strong message to banks in China and throughout the world that there will be a price to pay for lack of cooperation.

That is why I am pleased that yesterday, before President Trump arrived in China, the Senate Banking Committee, on a unanimous basis, passed a bill to impose and enforce mandatory sanctions against banks and financial firms in China or anywhere else in the world that help to prop up the regime of Kim Jong Un. The bill is named the Otto Warmbier Banking Restrictions Involving North Korea Act, or the BRINK Act, for short. I introduced this bill with Senator TOOMEY earlier this year, after North Korea engaged in its threatening and provocative missile launches.

I want to thank Senator TOOMEY for his partnership in developing the BRINK Act. I want to thank Mr. CRAPO, chairman of the Banking Committee, and Ranking Member BROWN for their leadership in addressing the North Korean threat and working to pass this bill out of the Banking Committee with unanimous support. I want to thank all of the members of the Banking Committee for their bipartisan effort on this matter.

I also want to thank the chairman of the Foreign Relations Committee, Senator CORKER, and the Ranking Member, Senator CARDIN, for their bipartisan leadership in confronting the threat of North Korea, and also the leadership of the East Asia Subcommittee of the Senate Foreign Relations Committee, headed by Senators GARDNER and MARKEY. They have been consistent in their efforts to address the North Korean threat and to seek a peaceful resolution of this crisis.

Back in August, I had the opportunity to visit South Korea, Japan, and China, as part of a bipartisan delegation that was led by Senator MARKEY. We had the opportunity to travel not only to the DMZ zone between South and North Korea but also to visit the city of Dandong, which is a Chinese city on the border between China and North Korea, along the Yalu River. That is where a lot of the cross-border trade and transactions between North Korea and China take place.

The threat posed by North Korea to the United States and our allies is very real. The Chairman of the Joint Chiefs of Staff, General Dunford, testified in September that North Korea has the capability to strike the United States' mainland with an intercontinental ballistic missile. North Korea has ramped up the pace of its ballistic missile tests, firing two ballistic missiles over Japan in recent months. In September North Korea conducted its sixth test of a nuclear weapon—the largest yet.

The question is this: How do we deal with this threat?

Way back when it came to foreign policy and national security issues, President Teddy Roosevelt counseled that we should ''speak softly and carry a big stick.'' President Trump and all of us would be wise to heed that advice. Bluster and overheated rhetoric not only will not work, but they raise the risk of miscalculation and war with North Korea.

It is much better to steadily and dramatically ratchet up the pressure on North Korea to come to the negotiating table with the goal of denuclearizing the Korean Peninsula. That strategy has to include lots of elements, but an indispensable tool is putting much greater pressure on Pyongyang.

Despite what many people think, North Korea is not sanctioned out. It is not as if we already applied and enforced maximum economic pressure on North Korea. In fact, our existing sanctions regime against North Korea is much weaker than the sanctions regime we had in place against Iran in the lead-up to the Iran nuclear deal. That is because the United States and others have not seriously gone after the foreign banks and firms that support the North Korean leadership and its cronies.

The reality is that North Korea's economy is not as weak or isolated as many believe. Its annual GDP is estimated to be $40 billion, and China accounts for almost 90 percent of North Korea's trade. The United Nations has repeatedly found that North Korea evades the existing international sanctions effort and maintains access to the international financial system, primarily through a comprehensive network of Chinese-based front companies. North Korea relies heavily on this network to directly support its weapons of mass destruction and ballistic missile programs.

We have no time to waste. We must sever Kim Jong Un's economic lifeline. That is why Senator TOOMEY and I have introduced the BRINK Act and why it received such strong support. The BRINK Act targets this illicit financial network by imposing mandatory sanctions on those doing business with North Korea.

It sends a clear and unequivocal message to foreign banks and foreign firms: You can do business with North Korea or you can do business with the United States, but you cannot do business with both. That is the choice we placed before other countries with respect to Iran, and it helped to generate the pressure to bring Iran to the negotiating table.

If you trade with North Korea, you will not have any access to the U.S. markets. This, as I indicated, is the choice that we ultimately gave to Iran back in 2010, and the BRINK Act is modeled after the sanctions laws that we applied in the case of Iran that brought them ultimately to the negotiating table. Our goal is to cut off North Korea's remaining access to the international financial system, deprive Kim Jong Un of the resources needed for his regime's survival, and create the leverage necessary for serious negotiations.

Some critics of this approach argue that China may lash out at the United States or respond in kind. The gravity of the situation compels us to act regardless of Beijing's reaction in these circumstances. Simply asking China for its cooperation is not enough. It has to be backed up by a clear message and law from the United States that there are severe penalties for those who do not cooperate and do not abide

by the sanctions. That is what this bill is all about.

It is also important to note that when secondary sanctions on Iran were put into place, the Chinese Government issued a tepid public protest, and then privately directed its sanctioned banks to stop working with Iran. In other words, after some quiet protest, they complied with that secondary sanctions regime on Iran.

Moreover, Beijing claimed just this September that it is directing its banks to freeze any North Korean accounts—a directive which, if true, is long overdue. But it will be hard for China to say that we shouldn't take this action if it is an action they already said they directed their banks to take. This makes it clear that it will be in China's economic interests to fully enforce the sanctions on North Korea.

I am clear-eyed about the challenges we face in bringing North Korea to the negotiating table. Previous Democratic and Republican administrations have failed to end North Korea's nuclear and missile programs, and because of this, some argue that Kim Jong Un will never give up his nuclear program.

To those critics, my response is simply that we have not exhausted all of our options on North Korea. There is incredible leakage right now in the sanctions regime, and that leakage is what the BRINK Act is designed to address and to close the loopholes and put teeth into the sanctions.

The choice between accepting a nuclear North Korea or launching some kind of preventive war is a false one. I strongly believe that this aggressive secondary sanctions regime, as part of an overall coherent strategy backed by our allies and the threat of force, is our best remaining chance of achieving a nuclear-free Korean Peninsula.

Right now, we face no more urgent task than achieving a peaceful resolution on the North Korean nuclear crisis. We need clear thinking. We need courage. We need common sense on the choices before us. At stake is not just the security of those in the region but, ultimately, of the United States. It is incumbent on all of us to ensure that the pursuit of peace prevails in this effort.

I ask my colleagues in the Senate to follow the lead of the Banking Committee in giving this a unanimous bipartisan vote in the Senate so we can get this to the House as soon as possible and have it signed into law, so that when we ask other nations for cooperation, they know that failing to cooperate with us is not an option, or if they do take that course, they will face severe economic consequences.

So I hope the Senate will take this up without delay and that we can pass it and get it to the President's desk.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I thank my colleague from Maryland for his thoughtful words on North Korea.

I come to the floor today to urge my colleagues to oppose the nomination of William Wehrum to lead the Office of Air and Radiation at the EPA.

If confirmed, Mr. Wehrum would be responsible for implementing critical programs like the Renewable Fuel Standard Program and other key public health standards under the Clean Air Act.

Mr. Wehrum is part of a larger trend within President Trump's administration. Many of the nominees who are being sworn in are unqualified, incompetent, and have actually built their careers on dismantling the agencies they are now leading.

To be clear, Mr. Wehrum's nomination represents yet another broken promise by President Trump—this time, to our Nation's farmers. As a candidate, Mr. Trump pledged to champion the RFS, a policy with broad bipartisan support that reduces our greenhouse gas emissions, helps us revive rural economies, and makes our Nation less dependent on foreign oil.

Yet the President continues to surround himself with advisers intent on sabotaging the RFS, like Scott Pruitt, Carl Icahn, and, now, Mr. Wehrum. Mr. Wehrum has proven, time and again, that he is not a friend of the Renewable Fuel Standard Program.

He sued the biofuels industries—not once, not twice, not three times, but at least four times—representing groups like the American Petroleum Institute which are strong opponents of the RFS. During his nomination hearings, Mr. Wehrum refused to commit to supporting the RFS, claiming he was ''unfamiliar'' with the program. He wouldn't even acknowledge the unprecedented attacks launched on the biofuel industries by this administration.

If you support the RFS, as Illinois farmers and I do, it should be obvious that the right thing to do is to oppose Mr. Wehrum. This is not about having blanket opposition to President Trump's nominees; this is about our national security, our rural communities, and our environment.

I have already fought a war over oil, and I would rather run my car on American-grown corn and soybeans than oil from the Middle East. Our farmers deserve better than a President who makes campaign promises to protect the RFS in Iowa but will not honor them when he gets to the White House.

I understand that Administrator Pruitt has written a letter to my colleagues on the other side of the aisle regarding a pending petition requesting to move the ''point of obligation'' and a rulemaking on renewable volumetric obligations. Both of these decisions, as Administrator Pruitt's letter states, will be final in the coming days. That is why I am calling on my colleagues to simply hold Mr. Wehrum's nomination until after EPA finalizes these decisions.

There is no rush to confirm Mr. Wehrum this week. Better yet, let's oppose his nomination altogether.

I am also concerned that he will gut key public health protections that we all rely on to protect our families and the air we breathe. One of the most serious responsibilities I have, as both a U.S. Senator and a mother, is to protect children and families from harmful pollutants and to make sure the air they breathe is safe from toxic chemicals.

After reviewing Bill Wehrum's previous work in the Office of Air and Radiation, it is clear that he made dismantling the Clean Air Act—and all of the air pollution safeguards and public health protections guaranteed by it—one of his top priorities. In that office, he actively fought to roll back commonsense safeguards against lead, fine particulate pollution, and ozone smog. But he didn't stop there. He even led efforts to weaken standards designed to reduce emissions of mercury—one of the most deadly, toxic pollutants in the world—from coal-fired powerplants. Bill Wehrum wasn't looking out for us; he was looking out for the fossil fuel industry.

When Mr. Wehrum was originally nominated for this position under the Bush administration, the Senate had the good sense to reject his nomination. He was never confirmed, and I hope we do not confirm him now.

Again, I urge all my colleagues to oppose Mr. Wehrum's nomination and, instead, support our farmers, our children, and our families.

Thank you.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Thank you, Mr. President.

Like the Senator from Illinois, I rise to voice my opposition to the nomination of Bill Wehrum to serve as the Assistant Administrator for Air and Radiation at the Environmental Protection Agency.

The Office of Air and Radiation oversees matters that are critical to human and environmental health, specifically, air and radiation but also climate change, air quality, and vehicle emissions.

If confirmed, Mr. Wehrum would be responsible for these immensely important issues, which require putting the health of our citizens above industry interests. Given this, I don't know why the Senate would confirm him for this position.

Mr. Wehrum has already served in this role in an acting capacity during the Bush administration. His confirmation was blocked by the Senate in 2006. His prior tenure shows that he will not fulfill the mission of the EPA to protect human health and the environment. In fact, he has a record of putting corporate profits before the well-being of citizens.

During his tenure in the Bush administration, Mr. Wehrum rolled back clean air safeguards that protect public

health on 27 occasions. His actions were challenged in court for not fulfilling the requirements of the Clean Air Act, and 27 times the court ruled against Mr. Wehrum.

One particular issue that he was involved in was mercury pollution. Under the Clean Air Act, the EPA has to reduce hazardous air pollutants like mercury, which is particularly harmful to children. Instead of protecting this population from mercury pollution, a neurotoxin, Mr. Wehrum decided to advance the interests of polluters.

During his tenure, Mr. Wehrum also led efforts to prevent EPA from addressing climate pollution. Fortunately, the Supreme Court eventually ruled in favor of regulating greenhouse gases, forcing the Agency to take action.

After the Senate blocked his nomination in 2006, Mr. Wehrum decided he would undermine the mission of the Agency on behalf of polluters. In his current role as a corporate attorney, he has sued the EPA multiple times on behalf of clients in the oil, gas, coal, and chemical industries to undermine protections that safeguard public health and the environment. He has used his current position to attack the renewable fuel standard, which requires biofuels to be blended with gasoline—something the big oil companies hate because it means serious competition for dirty oil. So as an attorney for the American Petroleum Institute—the trade association that represents ExxonMobil, BP, and a number of other oil and gas giants—Mr. Wehrum sued the EPA at least four times in an effort to weaken the RFS, the renewable fuel standard. This is deeply troubling, considering that if he gets this job, he will be in charge of administering the RFS, which will allow him to implement his clear agenda. He has done nothing to lead us to believe he would do anything but side with the giant oil companies.

The facts are clear. The RFS boosts energy security, it creates rural jobs, and it is better for the environment than oil. You are never going to see an ethanol spill in the Gulf of Mexico.

Colleagues on both sides of the aisle agree that despite this bipartisan support, EPA Administrator Scott Pruitt has reduced advanced biofuel blending targets for 2018. Now, with Mr. Wehrum's nomination, I have even less confidence in this administration upholding Congress's intent on the RFS.

He also has a history of willful ignorance of science. When asked whether he believes that greenhouse gas emissions from human activities are the main drivers of climate change, Mr. Wehrum stated that he believes it is an open question—an answer that runs contrary to the conclusion of 97 percent of climate scientists and runs counter to the ''National Climate Assessment'' that was released by this administration just last week.

Emissions from fossil fuel-fired powerplants are some of the main contributors to climate change. We know this. At the Office of Air and Radiation, Mr. Wehrum would oversee the repeal of standards that reduce greenhouse gas emissions from the power sector, the Clean Power Plan. He would also be in charge of crafting a weaker replacement, if any.

Let me be clear. A weak standard is an affront to the public health and safety of future generations.

To overcome the challenge of climate change, we must transform our economy to dramatically reduce greenhouse gas emissions. If we don't, Americans and future generations will pay an unacceptable price. But rather than driving innovation and pushing us to overcome this challenge, the administration has ordered a retreat. You can see that retreat everywhere, in a budget that would gut funding for science and innovation, in an EPA that values industry profits over the welfare of the public.

The 23rd annual United Nations climate change conference is taking place right now in Bonn, Germany. Two years ago, 195 nations came together to sign the Paris climate agreement in a historic display of the power of collective human will, and they did it because of U.S. leadership.

Now contrast that to earlier this year, when President Trump ordered the United States to retreat. He announced that he was pulling us out of the Paris climate agreement.

Yesterday, Syria announced that it would ratify the agreement. They were the last remaining nation to not be a part of this agreement. We now stand alone as the only country in the world choosing not to be part of the global effort to combat climate change.

Let's be clear. The President has not only ceded leadership, but he has isolated the United States from the global community. He has put us in this dangerous situation simply to protect short-term profits of the fossil fuel industry.

Mr. Wehrum would exacerbate this administration's wrong-headed approach. He is anti-science, anti-public health, anti-environment. That is why the Senate blocked his nomination in 2006. The Senate recognized then that he wasn't fit for the job. He is even less fit today.

I oppose his nomination, and I urge my colleagues to do the same.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 400, 401, and 402.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Melissa Sue Glynn, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Enterprise Integration); Cheryl L. Mason, of Virginia, to be Chairman of the Board of Veterans' Appeals for a term of six years; and Randy Reeves, of Mississippi, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Glynn, Mason, and Reeves nominations en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS DAY

Mr. HATCH. Mr. President, as we prepare to commemorate Veterans Day this weekend, I would like to offer my sincere appreciation to the dedicated veterans who have served our country so bravely over the years. Only in a great country such as ours do we have so many willing and able citizens who volunteer for duty. These selfless individuals understand the importance of protecting our country and are willing to give their lives to do it.

Many of these brave men and women make the ultimate sacrifice, such as my own brother, Jesse Morlan Hatch who was killed in World War II. SSG Aaron Butler of Utah also comes to mind. Staff Sergeant Butler was tragically killed in the line of duty last summer while serving in Afghanistan. The valor of patriots like Jesse and Aaron is indicative of all men and women who volunteer to serve in our Armed Forces. I have always had a deep-rooted respect for America's servicemembers and her veterans.

On behalf of the State of Utah, I would also like to express our humble gratitude for our Nation's veterans and active servicemembers. Throughout

this weekend, Utah will host a variety of ceremonies, all dedicated to celebrating our veterans. The town of Magna will be hosting its annual Veterans Day parade; the town of Howell will be naming its community center after SGT Rocky D. Payne, who was killed in Iraq in 2005; and the students of Granite Park Junior High School will be hosting a special Veterans Day assembly. With events being held all across our State, it is clear to see that Utahns hold our Nation's veterans in the highest esteem. I am honored to represent a State that honors our veterans.

I would also like to personally acknowledge the city of Layton, which will be hosting a grand Veterans Day parade to be followed by the groundbreaking ceremony of a new Vietnam War memorial wall. I could not even begin to describe the endeavor that Mayor Bob Stevenson, the city of Layton, the Utah State Legislature, and so many others have undertaken to bring this wonderful memorial to Utah. I am grateful for their leadership, and I am delighted to see this memorial become a reality.

I will close today by saying this: To all veterans and your families, thank you. Thank you for your sacrifice, for your commitment, and for your dedication to this Nation and its citizens. Most of all, thank you for your patriotism and faith in America. To our Nation's veterans we owe a debt of gratitude that can never be fully repaid.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 266, on the nomination of Peter B. Robb, of Vermont, to be general counsel of the National Labor Relations Board. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 267, on the motion to invoke cloture on William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. Had I been present, I would have voted nay.•

VOTE EXPLANATION

• Mr. TESTER. Mr. President, I was necessarily absent due to a family funeral for the votes on confirmation of Executive Calendar No. 384 and the motion to invoke cloture on Executive Calendar No. 407.

On vote No. 266, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 384.

On vote No. 267, had I been present, I would have voted nay on the motion to invoke cloture on Executive Calendar No. 407.•

ADDITIONAL STATEMENTS

RECOGNIZING THE UNION LEAGUE CLUB OF CHICAGO

• Ms. DUCKWORTH. Mr. President, today I wish to celebrate the Union League Club of Chicago ULCC, and their Salute to Vietnam Veterans event.

As a Nation, we must do everything we can to uphold our commitment to those who have worn the uniform of this great Nation and to their families who have made significant sacrifices on our behalf. On Veterans Day we honor the service of our Nation's heroes and reflect on the debt that we each owe to those who have served this great Nation.

Founded during the Civil War, ULCC has been a leader in providing support for servicemembers and veterans for over 138 years. ULCC, an official DoD Commemorative Partner, operates its own American Legion Posts and collaborates with partner groups that provide support to Active-Duty military personnel. ULCC recognizes that, while servicemembers may come from different backgrounds and different branches, they all hold the same sense of duty and commitment and deserve our full support.

As the daughter of a U.S. marine who fought in Vietnam, our Vietnam veterans hold a special place in my heart. I often say that we must always love the warrior regardless of our feelings about the war. Let us recommit our obligation to Vietnam veterans by ensuring that they have the healthcare, disability support, retirement benefits, and any other resources they have earned.

To all of my fellow veterans, to those still serving, and to all the families that have sacrificed, thank you from the bottom of my heart for your honorable service.

Thank you.•

REMEMBERING GARY SMILEDGE

• Ms. HASSAN. Mr. President, it is with great sadness today that I recognize the life and passing of Gary Wayne Smiledge, 72, of Gonic, NH.

Mr. Smiledge served bravely in the U.S. Army during the Korean war. As a member of the 2nd Infantry Division, stationed at Camp Casey south of the DMZ, Mr. Smiledge protected orphanages after serving on the frontlines.

When Mr. Smiledge returned to New Hampshire, his service to his fellow veterans continued. In addition to being a member of the American Legion Post No. 7 of Rochester, he was also heavily involved with the New Hampshire Amputee Group, where he worked with other veterans who lost limbs during the course of their service.

Mr. Smiledge was a beloved member of his community, and he will be missed dearly. I join all Granite Staters in expressing our profound gratitude to veterans like Gary who have fought for the cause of freedom, putting their country and devotion to duty first.•

MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 918. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, and for other purposes.

H.R. 1133. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to authorize the Secretary of Veterans Affairs to provide for an operation on a live donor for purposes of conducting a transplant procedure for a veteran, and for other purposes.

H.R. 1900. An act to designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, and for other purposes.

H.R. 2123. An act to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

H.R. 2148. An act to amend the Federal Deposit Insurance Act to clarify capital requirements for certain acquisition, development, or construction loans.

H.R. 2601. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the access of veterans to organ transplants, and for other purposes.

H.R. 3441. An act to clarify the treatment of two or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

H.R. 3634. An act to amend title 38, United States Code, to ensure that individuals may access documentation verifying the monthly housing stipend paid to the individual under the Post–9/11 Educational Assistance Program of the Department of Veterans Affairs.

H.R. 3897. An act to amend title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes.

H.R. 3911. An act to amend the Securities Exchange Act of 1934 with respect to risk-based examinations of Nationally Recognized Statistical Rating Organizations.

H.R. 3949. An act to amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprenticeship programs for purposes of the educational assistance programs of the Department of Veterans Affairs.

ENROLLED BILL SIGNED

At 12:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3031. An act to amend title 5, United States Code, to provide for flexibility in making withdrawals from a Thrift Savings Plan account, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 918. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1133. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to authorize the Secretary of Veterans Affairs to provide for an operation on a live donor for purposes of conducting a transplant procedure for a veteran, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1900. An act to designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2123. An act to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2148. An act to amend the Federal Deposit Insurance Act to clarify capital requirements for certain acquisition, development, or construction loans; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2601. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the access of veterans to organ transplants, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3634. An act to amend title 38, United States Code, to ensure that individuals may access documentation verifying the monthly housing stipend paid to the individual under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 3897. An act to amend title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes; to the Committee on Armed Services.

H.R. 3911. An act to amend the Securities Exchange Act of 1934 with respect to risk-based examinations of Nationally Recognized Statistical Rating Organizations; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3404. A communication from the Acting Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Imposition of Special Measure against Bank of Dandong as a Financial Institution of Primary Money Laundering Concern'' (RIN1506–AB38) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3405. A communication from the Deputy Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Atlantic City International Airport (ACY); to the Committee on Commerce, Science, and Transportation.

EC–3406. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''CMS Ensured Nearly All Part D Drug Records Contained Valid Prescriber Identifiers in 2016''; to the Committee on Finance.

EC–3407. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–96; Small Entity Compliance Guide'' (FAC 2005–96) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3408. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Removal of Fair Pay and Safe Workplaces Rule'' ((RIN9000–AN52) (FAC 2005–96)) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3409. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–96; Introduction'' (FAC 2005–96) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3410. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3385-EM in the State of Florida having exceeded the $5 ,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–3411. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3384-EM in the Commonwealth of Puerto Rico having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–3412. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's fiscal year 2016 Federal Activities Inventory Reform (FAIR) Act submission of its commercial and inherently governmental activities; to the Committee on Homeland Security and Governmental Affairs.

EC–3413. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Indian Health Service, Department of Health and Human Services, received in the Office of the President of the Senate on November 7, 2017; to the Committee on Indian Affairs.

EC–3414. A communication from the Solicitor General, Department of Justice, transmitting, pursuant to law, an opinion of the United States District Court for the District of Columbia (United States v. James Marvin Reed); to the Committee on the Judiciary.

EC–3415. A communication from the Chairman, Board of Trustees, and the President, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a report relative to the Center's consolidated financial statements, supplemental schedules of operations, and independent auditor's report for years ended October 2, 2016, and September 27, 2015, and a report relative to the Center's schedule of expenditures of federal awards and independent auditor's reports for the year ended October 2, 2016; to the Committee on Rules and Administration.

EC–3416. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Presumptive Period for Compensation for Gulf War Veterans'' (RIN2900–AP84) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans' Affairs.

EC–3417. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2017''; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–134. A concurrent resolution adopted by the House of Representatives of the State of Michigan urging the United States Congress to properly fund the Department of Veterans Affairs Board of Veterans' Appeals and to urge the Board to streamline its process so that appeals are decided in a more timely manner; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, Military veterans have a number of benefits available to them when honorably discharged from service. However, to receive disability benefits, veterans must apply and be approved by agents at local veterans affairs offices. If denied, the veteran has a right to appeal to the federal Board of Veterans' Appeals; and

Whereas, As of July 2016, more than 81,000 cases were pending before the Board of Veterans' Appeals, and veterans are waiting an average of five years for cases to be determined. The wait time for a case to be resolved is unacceptable to the men and women who have served our country, and action must be taken to ensure that they are able to access the benefits they have earned; and

Whereas, Additional funding and staff are necessary to properly address the backlog, as well as the estimated 57,000 new complaints received in 2016. Streamlining the complex appeals process is also required. Increased funding for the board was included in H.R.

2577 of 2015. However, the bill did not pass the U.S. Senate before the congressional session ended. Legislation is pending in the 115th Congress (H.R. 457) to require changes to the appeals process to address the backlog of appeals; Now, therefore, be it

Resolved by the House of Representatives (The Senate Concurring), That we urge the Congress of the United States to properly fund the Department of Veterans Affairs Board of Veterans' Appeals and to urge the Board to streamline its process so that appeals are decided in a more timely manner, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the chairman of the Board of Veterans' Appeals.

POM–135. A concurrent resolution adopted by the House of Representatives of the State of Michigan memorializing the United States Congress to award a posthumous Medal of Honor to Sergeant Thomas Henry Sheppard for his actions during the Civil War; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, A most remarkable—and long overlooked—sustained act of patriotism and honor in U.S. military history is credited to Sgt. Thomas Henry Sheppard of Michigan's Almont, Marlette, and Imlay City area, during his service as flag bearer for Company E, First Michigan Cavalry, in the Civil War; and

Whereas, These actions include riding with his oversize personal flag in multiple engagements with Confederate troops in Stonewall Jackson's Shenandoah Valley Campaign of 1862 and in the Battle of Gettysburg of 1863; and

Whereas, These actions also include secreting his flag on his person after being wounded in the Battle of Gettysburg, subsequently keeping his flag safely hidden by wrapping it around his body during 505 days as a prisoner of war in Andersonville and other Confederate camps, all the while risking severe punishment or even execution; and

Whereas, Sgt. Sheppard and his flag received wide recognition at multiple Civil War reunions and other events, as reported in newspaper accounts in the late 19th century; and

Whereas, The Sheppard flag, punctured by 72 bullet holes, has been authenticated as genuine after having been restored and preserved for permanent display at the Dearborn Historical Museum; and

Whereas, Sgt Sheppard never received official recognition for his sustained act of patriotism and honor; Now, therefore, be it

Resolved by the House of Representatives (the Senate Concurring), That we memorialize the Congress of the United States to award a posthumous Medal of Honor to Sergeant Thomas Henry Sheppard for his actions during the Civil War; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–136. A resolution adopted by the Common Council of the City of Syracuse, New York urging the United States Congress to take the necessary actions to ensure that the State and Local Tax (SALT) Deduction remains a part of the Federal Tax Code; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 873. A bill to amend section 8433 of title 5, United States Code, to provide for flexibility in making withdrawals from the Thrift Savings Fund (Rept. No. 115–183).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 195. A bill to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes (Rept. No. 115–184).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

*Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2022.

*Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2017.

*Raymond Martinez, of New Jersey, to be Administrator of the Federal Motor Carrier Safety Administration.

*Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary of Transportation.

*Nazakhtar Nikakhtar, of Maryland, to be an Assistant Secretary of Commerce.

*Neil Jacobs, of North Carolina, to be an Assistant Secretary of Commerce.

*Leon A. Westmoreland, of Georgia, to be a Director of the Amtrak Board of Directors for a term of five years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FLAKE (for himself, Mr. HEINRICH, and Mrs. SHAHEEN):

S. 2094. A bill to require the prompt reporting for national instant criminal background check system purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. MURPHY, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. REED, Mr. CARPER, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. SCHATZ, Ms. HIRONO, Ms. WARREN, Mr. MARKEY, Mr. BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HARRIS, Mr. CASEY, and Mr. SANDERS):

S. 2095. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes; to the Committee on the Judiciary.

By Mr. FLAKE (for himself and Mrs. SHAHEEN):

S. 2096. A bill to amend the Federal Crop Insurance Act to prohibit payments of premium subsidy for harvest price policies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER (for himself, Mr. HELLER, and Ms. BALDWIN):

S. 2097. A bill to amend title 38, United States Code, to improve the administration of State homes furnishing care to veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. PETERS, Mr. RUBIO, Ms. KLOBUCHAR, Mr. SCOTT, Mr. BARRASSO, Mr. MANCHIN, and Mr. LANKFORD):

S. 2098. A bill to modernize and strengthen the Committee on Foreign Investment in the United States to more effectively guard against the risk to the national security of the United States posed by certain types of foreign investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 2099. A bill to provide for the management by the Secretary of Agriculture of certain Federal land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHATZ (for himself, Mr. DURBIN, Mr. MARKEY, Mr. WHITEHOUSE, Mr. REED, Mr. BROWN, Mrs. GILLIBRAND, Ms. WARREN, Ms. HIRONO, Mr. BLUMENTHAL, Mrs. FEINSTEIN, and Mr. FRANKEN):

S. 2100. A bill to prohibit the sale or distribution of tobacco products to individuals under the age of 21; to the Committee on Commerce, Science, and Transportation.

By Mr. DONNELLY (for himself and Mr. YOUNG):

S. 2101. A bill to award a Congressional Gold Medal, collectively, to the crew of the U.S.S. Indianapolis, in recognition of their perseverance, bravery, and service to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KING (for himself and Ms. COLLINS):

S. 2102. A bill to clarify the boundary of Acadia National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HIRONO (for herself and Mrs. CAPITO):

S. 2103. A bill to amend title XVIII of the Social Security Act to provide information regarding vaccines for seniors as part of the Medicare & You handbook and to ensure that the treatment of cost sharing for vaccines under Medicare part D is consistent with the treatment of vaccines under Medicare part B, and for other purposes; to the Committee on Finance.

By Ms. HARRIS (for herself and Mrs. FEINSTEIN):

S. 2104. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income earthquake loss mitigation received under State-based earthquake loss mitigation programs; to the Committee on Finance.

By Mr. BOOZMAN (for himself and Mr. DONNELLY):

S. 2105. A bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in

the Armed Forces in Thailand during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. MARKEY, and Ms. HASSAN):

S. 2106. A bill to require States to automatically register eligible voters at the time they turn 18 to vote in Federal elections, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON (for himself and Mr. RUBIO):

S. Res. 324. A resolution designating November 9, 2017, as ''National Diabetes Heart Health Awareness Day'', coinciding with American Diabetes Month; considered and agreed to.

By Mr. CARPER (for himself, Mrs. CAPITO, and Mr. HEINRICH):

S. Res. 325. A resolution expressing support for designation of the week of October 29 through November 4, 2017, as ''National Obesity Care Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 200

At the request of Mr. MARKEY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 200, a bill to prohibit the conduct of a first-use nuclear strike absent a declaration of war by Congress.

S. 422

At the request of Mrs. GILLIBRAND, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 422, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 803

At the request of Mr. REED, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 803, a bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations.

S. 1050

At the request of Ms. DUCKWORTH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1063

At the request of Mr. BROWN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1188, a bill to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care.

S. 1276

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1276, a bill to require the Attorney General to make a determination as to whether cannabidiol should be a controlled substance and listed in a schedule under the Controlled Substances Act and to expand research on the potential medical benefits of cannabidiol and other marihuana components.

S. 1344

At the request of Mr. BLUNT, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1344, a bill to promote the development of local strategies to coordinate use of assistance under sections 8 and 9 of the United States Housing Act of 1937 with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency, and for other purposes.

S. 1350

At the request of Mr. ALEXANDER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1350, a bill to amend the National Labor Relations Act with respect to the timing of elections and pre-election hearings and the identification of pre-election issues, and to require that lists of employees eligible to vote in organizing elections be provided to the National Labor Relations Board.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. REED) and the Senator from California (Ms. HARRIS) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1591

At the request of Mr. TOOMEY, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 1591, a bill to impose sanctions with respect to the Democratic People's Republic of Korea, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

S. 1742

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1742, a bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 55 to 64 to buy into Medicare.

S. 1838

At the request of Ms. WARREN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1838, a bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes.

S. 1916

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1916, a bill to prohibit the possession or transfer of certain firearm accessories, and for other purposes.

S. 1917

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1917, a bill to reform sentencing laws and correctional institutions, and for other purposes.

S. 2038

At the request of Mr. MORAN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2038, a bill to amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

S. 2057

At the request of Ms. BALDWIN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2057, a bill to prevent conflicts of interest that stem from the revolving door that raises concerns about the independence of pharmaceutical regulators.

S. 2070

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2070, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2070, supra.

S. 2080

At the request of Ms. WARREN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 2080, a bill to increase the role of the financial industry in combating human trafficking.

S. RES. 279

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mr.

CRUZ) was added as a cosponsor of S. Res. 279, a resolution reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia.

S. RES. 323

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 323, a resolution requiring sexual harassment training for Members, officers, employees, interns, and fellows of the Senate and a periodic survey of the Senate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. PETERS, Mr. RUBIO, Ms. KLOBUCHAR, Mr. SCOTT, Mr. BARRASSO, Mr. MANCHIN, and Mr. LANKFORD):

S. 2098. A bill to modernize and strengthen the Committee on Foreign Investment in the United States to more effectively guard against the risk to the national security of the United States posed by certain types of foreign investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2098

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Investment Risk Review Modernization Act of 2017''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Sense of Congress.
Sec. 3. Definitions.
Sec. 4. Inclusion of partnership and side agreements in notice.
Sec. 5. Declarations relating to certain covered transactions.
Sec. 6. Stipulations regarding transactions.
Sec. 7. Authority for unilateral initiation of reviews.
Sec. 8. Timing for reviews and investigations.
Sec. 9. Monitoring of non-notified and non-declared transactions.
Sec. 10. Submission of certifications to Congress.
Sec. 11. Analysis by Director of National Intelligence.
Sec. 12. Information sharing.
Sec. 13. Action by the President.
Sec. 14. Judicial review procedures.
Sec. 15. Factors to be considered.
Sec. 16. Actions by the Committee to address national security risks.
Sec. 17. Modification of annual report.
Sec. 18. Certification of notices and information.
Sec. 19. Funding.
Sec. 20. Centralization of certain Committee functions.
Sec. 21. Unified budget request.
Sec. 22. Special hiring authority.
Sec. 23. Conforming amendments.
Sec. 24. Assessment of need for additional resources for Committee.
Sec. 25. Authorization for Defense Advanced Research Projects Agency to limit foreign access to technology through contracts and grant agreements.
Sec. 26. Effective date.
Sec. 27. Severability.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign investment provides substantial economic benefits to the United States, including the promotion of economic growth, productivity, competitiveness, and job creation, and the majority of foreign investment transactions pose little or no risk to the national security of the United States, especially when those investments are truly passive in nature;

(2) maintaining the commitment of the United States to open and fair investment policy also encourages other countries to reciprocate and helps open new foreign markets for United States businesses and their products;

(3) it should continue to be the policy of the United States to enthusiastically welcome and support foreign investment, consistent with the protection of national security;

(4) at the same time, the national security landscape has shifted in recent years, and so have the nature of the investments that pose the greatest potential risk to national security, which warrants a modernization of the processes and authorities of the Committee on Foreign Investment in the United States;

(5) the Committee on Foreign Investment in the United States plays a critical role in protecting the national security of the United States, and, therefore, it is essential that the member agencies of the Committee are adequately resourced and able to hire appropriately qualified individuals in a timely manner, and that those individuals' security clearances are processed as a high priority;

(6) the President should conduct a more robust international outreach effort to urge and help allies and partners of the United States to establish processes that parallel the Committee on Foreign Investment in the United States to screen foreign investments for national security risks and to facilitate coordination; and

(7) the President should lead a collaborative effort with allies and partners of the United States to develop a new, stronger multilateral export control regime, aimed to address the unprecedented industrial policies of certain countries of special concern, including aggressive efforts to acquire United States technology, and the blending of civil and military programs.

SEC. 3. DEFINITIONS.

Section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)) is amended to read as follows:

''(a) DEFINITIONS.—In this section:

''(1) ACCESS.—The term 'access' means the ability and opportunity to obtain information, subject to regulations prescribed by the Committee.

''(2) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

''(3) CONTROL.—The term 'control' means the power to determine, direct, or decide important matters affecting an entity, subject to regulations prescribed by the Committee.

''(4) COUNTRY OF SPECIAL CONCERN.—

''(A) IN GENERAL.—The term 'country of special concern' means a country that poses a significant threat to the national security interests of the United States.

''(B) RULE OF CONSTRUCTION.—This paragraph shall not be construed to require the Committee to maintain a list of countries of special concern.

''(5) COVERED TRANSACTION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'covered transaction' means any transaction described in subparagraph (B) that is proposed, pending, or completed on or after the date of the enactment of the Foreign Investment Risk Review Modernization Act of 2017.

''(B) TRANSACTIONS DESCRIBED.—A transaction described in this subparagraph is any of the following:

''(i) Any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person that could result in foreign control of any United States business.

''(ii) The purchase or lease by a foreign person of private or public real estate that—

''(I) is located in the United States and is in close proximity to a United States military installation or to another facility or property of the United States Government that is sensitive for reasons relating to national security; and

''(II) meets such other criteria as the Committee prescribes by regulation.

''(iii) Any other investment (other than passive investment) by a foreign person in any United States critical technology company or United States critical infrastructure company, subject to regulations prescribed under subparagraph (C).

''(iv) Any change in the rights that a foreign person has with respect to a United States business in which the foreign person has an investment, if that change could result in—

''(I) foreign control of the United States business; or

''(II) an investment described in clause (iii).

''(v) The contribution (other than through an ordinary customer relationship) by a United States critical technology company of both intellectual property and associated support to a foreign person through any type of arrangement, such as a joint venture, subject to regulations prescribed under subparagraph (C).

''(vi) Any other transaction, transfer, agreement, or arrangement the structure of which is designed or intended to evade or circumvent the application of this section, subject to regulations prescribed by the Committee.

''(C) FURTHER DEFINITION THROUGH REGULATIONS.—

''(i) CERTAIN INVESTMENTS AND CONTRIBUTIONS.—The Committee shall prescribe regulations further defining covered transactions described in clauses (iii) and (v) of subparagraph (B) by reference to the technology, sector, subsector, transaction type, or other characteristics of such transactions.

''(ii) EXEMPTION FOR TRANSACTIONS FROM IDENTIFIED COUNTRIES.—The Committee may, by regulation, define circumstances in which a transaction otherwise described in clause (ii), (iii), or (v) of subparagraph (B) is excluded from the definition of 'covered transaction' if each foreign person that is a party to the transaction is organized under the laws of, or otherwise subject to the jurisdiction of, a country identified by the Committee for purposes of this clause based on criteria such as—

''(I) whether the United States has in effect with that country a mutual defense treaty;

''(II) whether the United States has in effect with that country a mutual arrangement to safeguard national security as it pertains to foreign investment;

''(III) the national security review process for foreign investment of that country; and

''(IV) any other criteria that the Committee determines to be appropriate.

''(iii) EXEMPTION OF CERTAIN CONTRIBUTIONS.—The Committee may, by regulation, define circumstances in which contributions otherwise described in subparagraph (B)(v) are excluded from the term 'covered transaction' on the basis of a determination that other provisions of law are adequate to identify and address any potential national security risks posed by such contributions.

''(iv) TRANSFERS OF CERTAIN ASSETS PURSUANT TO BANKRUPTCY PROCEEDINGS OR OTHER DEFAULTS.—The Committee shall prescribe regulations to clarify that the term 'covered transaction' includes any transaction described in subparagraph (B) that arises pursuant to a bankruptcy proceeding or other form of default on debt.

''(D) PASSIVE INVESTMENT DEFINED.—

''(i) IN GENERAL.—For purposes of subparagraph (B)(iii), the term 'passive investment' means an investment by a foreign person in a United States business—

''(I) that is not described in subparagraph (B)(i);

''(II) that does not afford the foreign person—

''(aa) access to any nonpublic technical information in the possession of the United States business;

''(bb) access to any nontechnical information in the possession of the United States business that is not available to all investors;

''(cc) membership or observer rights on the board of directors or equivalent governing body of the United States business or the right to nominate an individual to such a position; or

''(dd) any involvement, other than through voting of shares, in substantive decision-making pertaining to any matter involving the United States business;

''(III) under which the foreign person and the United States business do not have a parallel strategic partnership or other material financial relationship, as described in regulations prescribed by the Committee; and

''(IV) that meets such other criteria as the Committee may prescribe by regulation.

''(ii) NONPUBLIC TECHNICAL INFORMATION DEFINED.—For purposes of clause (i)(II)(aa), the term 'nonpublic technical information'—

''(I) has the meaning given that term in regulations prescribed by the Committee; and

''(II) includes information (either by itself or in conjunction with other information to which a foreign person may have access)—

''(aa) without which critical technologies cannot be designed, developed, tested, produced, or manufactured; and

''(bb) in a quantity sufficient to permit the design, development, testing, production, or manufacturing of such technologies.

''(iii) NONTECHNICAL INFORMATION DEFINED.—For purposes of clause (i)(II)(bb), the term 'nontechnical information' has the meaning given that term in regulations prescribed by the Committee.

''(iv) EFFECT OF LEVEL OF OWNERSHIP INTEREST.—A determination of whether an investment is a passive investment under clause (i) shall be made without regard to how low the level of ownership interest a foreign person would hold or acquire in a United States business would be as a result of the investment. The Committee may prescribe regulations specifying that any investment greater than a certain level or amount would not be considered a passive investment.

''(v) REGULATIONS.—The Committee shall prescribe regulations providing guidance on the types of transactions that the Committee considers to be passive investment.

''(E) ASSOCIATED SUPPORT DEFINED.—For purposes of subparagraph (B)(v), the term 'associated support' has the meaning given that term in regulations prescribed by the Committee.

''(F) UNITED STATES CRITICAL INFRASTRUCTURE COMPANY DEFINED.—For purposes of subparagraph (B), the term 'United States critical infrastructure company' means a United States business that is, owns, operates, or primarily provides services to, an entity or entities that operate within a critical infrastructure sector or subsector, as defined by regulations prescribed by the Committee.

''(G) UNITED STATES CRITICAL TECHNOLOGY COMPANY.—For purposes of subparagraph (B), the term 'United States critical technology company' means a United States business that produces, trades in, designs, tests, manufactures, services, or develops one or more critical technologies, or a subset of such technologies, as defined by regulations prescribed by the Committee.

''(6) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to regulations prescribed by the Committee, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

''(7) CRITICAL MATERIALS.—The term 'critical materials' means physical materials essential to national security, subject to regulations prescribed by the Committee.

''(8) CRITICAL TECHNOLOGIES.—

''(A) IN GENERAL.—The term 'critical technologies' means technology, components, or technology items that are essential or could be essential to national security, identified for purposes of this section pursuant to regulations prescribed by the Committee.

''(B) INCLUSION OF CERTAIN ITEMS.—The term 'critical technologies' includes the following:

''(i) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations.

''(ii) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

''(I) pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

''(II) for reasons relating to regional stability or surreptitious listening.

''(iii) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities).

''(iv) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material).

''(v) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code.

''(vi) Other emerging technologies that could be essential for maintaining or increasing the technological advantage of the United States over countries of special concern with respect to national defense, intelligence, or other areas of national security, or gaining such an advantage over such countries in areas where such an advantage may not currently exist.

''(9) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any United States business by a foreign government or an entity controlled by or acting on behalf of a foreign government.

''(10) INTELLECTUAL PROPERTY.—The term 'intellectual property' has the meaning given that term in regulations prescribed by the Committee.

''(11) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(12) INVESTMENT.—The term 'investment' means the acquisition of equity interest, including contingent equity interest, as further defined in regulations prescribed by the Committee.

''(13) LEAD AGENCY.—The term 'lead agency' means the agency or agencies designated as the lead agency or agencies pursuant to subsection (k)(5).

''(14) MALICIOUS CYBER-ENABLED ACTIVITIES.—The term 'malicious cyber-enabled activities' means any acts—

''(A) primarily accomplished through or facilitated by computers or other electronic devices;

''(B) that are reasonably likely to result in, or materially contribute to, a significant threat to the national security of the United States; and

''(C) that have the purpose or effect of—

''(i) significantly compromising the provision of services by one or more entities in a critical infrastructure sector;

''(ii) harming, or otherwise significantly compromising the provision of services by, a computer or network of computers that support one or more such entities;

''(iii) causing a significant disruption to the availability of a computer or network of computers; or

''(iv) causing a significant misappropriation of funds or economic resources, trade secrets, personally identifiable information, or financial information.

''(15) NATIONAL SECURITY.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

''(16) PARTY.—The term 'party' has the meaning given that term in regulations prescribed by the Committee.

''(17) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and any territory or possession of the United States.

''(18) UNITED STATES BUSINESS.—The term 'United States business' means a person engaged in interstate commerce in the United States.''.

SEC. 4. INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS IN NOTICE.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)) is amended by adding at the end the following:

''(iv) INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS.—A written notice submitted under clause (i) by a party to a covered transaction shall include a copy of any partnership agreements, integration agreements, or other side agreements relating to the transaction, including any such agreements relating to the transfer of intellectual property, as specified in regulations prescribed by the Committee.''.

SEC. 5. DECLARATIONS RELATING TO CERTAIN COVERED TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as

amended by section 4, is further amended by adding at the end the following:

''(v) DECLARATIONS RELATING TO CERTAIN COVERED TRANSACTIONS.—

''(I) VOLUNTARY DECLARATIONS.—Except as provided in this clause, a party to any covered transaction may submit to the Committee a declaration with basic information regarding the transaction instead of a written notice under clause (i).

''(II) MANDATORY DECLARATIONS.—

''(aa) CERTAIN COVERED TRANSACTIONS WITH FOREIGN GOVERNMENT INTERESTS.—The parties to a covered transaction shall submit a declaration described in subclause (I) with respect to the transaction if the transaction involves the acquisition of a voting interest of at least 25 percent in a United States business by a foreign person in which a foreign government owns, directly or indirectly, at least a 25 percent voting interest.

''(bb) OTHER DECLARATIONS REQUIRED BY COMMITTEE.—The Committee shall require the submission of a declaration described in subclause (I) with respect to any covered transaction identified under regulations prescribed by the Committee for purposes of this item, at the discretion of the Committee and based on appropriate factors, such as—

''(AA) the technology, industry, economic sector, or economic subsector in which the United States business that is a party to the transaction trades or of which it is a part;

''(BB) the difficulty of remedying the harm to national security that may result from completion of the transaction; and

''(CC) the difficulty of obtaining information on the type of covered transaction through other means.

''(cc) SUBMISSION OF WRITTEN NOTICE AS AN ALTERNATIVE.—Parties to a covered transaction for which a declaration is required under this subclause may instead elect to submit a written notice under clause (i).

''(dd) TIMING OF SUBMISSION.—

''(AA) IN GENERAL.—A declaration required to be submitted with respect to a covered transaction by item (aa) or (bb) shall be submitted not later than 45 days before the completion of the transaction.

''(BB) WRITTEN NOTICE.—If, pursuant to item (cc), the parties to a covered transaction elect to submit a written notice under clause (i) instead of a declaration under this subclause, the written notice shall be filed not later than 90 days before the completion of the transaction.

''(III) PENALTIES.—The Committee may impose a penalty pursuant to subsection (h)(3) with respect to a party that fails to comply with this clause.

''(IV) COMMITTEE RESPONSE TO DECLARATION.—

''(aa) IN GENERAL.—Upon receiving a declaration under this clause with respect to a transaction, the Committee may, at its discretion—

''(AA) request that the parties to the transaction file a written notice under clause (i);

''(BB) inform the parties to the transaction that the Committee is not able to complete action under this section with respect to the transaction on the basis of the declaration and that the parties may file a written notice under clause (i) to seek written notification from the Committee that the Committee has completed all action under this section with respect to the transaction;

''(CC) initiate a unilateral review of the transaction under subparagraph (D); or

''(DD) notify the parties in writing that the Committee has completed all action under this section with respect to the transaction.

''(bb) TIMING.—The Committee shall endeavor to take action under item (aa) within 30 days of receiving a declaration under this clause.

''(cc) RULE OF CONSTRUCTION.—Nothing in this subclause (other than item (aa)(CC)) shall be construed to affect the authority of the President or the Committee to take any action authorized by this section with respect to a covered transaction.

''(V) REGULATIONS.—The Committee shall prescribe regulations establishing requirements for declarations submitted under this clause. In prescribing such regulations, the Committee shall ensure that such declarations are submitted as abbreviated notifications that would not generally exceed 5 pages in length.''.

SEC. 6. STIPULATIONS REGARDING TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as amended by section 5, is further amended by adding at the end the following:

''(vi) STIPULATIONS REGARDING TRANSACTIONS.—

''(I) IN GENERAL.—In a written notice submitted under clause (i) or a declaration submitted under clause (v) with respect to a transaction, a party to the transaction may—

''(aa) stipulate that the transaction is a covered transaction; and

''(bb) if the party stipulates that the transaction is a covered transaction under item (aa), stipulate that the transaction is a foreign government-controlled transaction.

''(II) BASIS FOR STIPULATION.—A written notice submitted under clause (i) or a declaration submitted under clause (v) that includes a stipulation under subclause (I) shall include a description of the basis for the stipulation.''.

SEC. 7. AUTHORITY FOR UNILATERAL INITIATION OF REVIEWS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) in subparagraph (D)—

(A) in clause (i), by inserting ''(other than a covered transaction described in subparagraph (E))'' after ''any covered transaction'';

(B) by striking clause (ii) and inserting the following:

''(ii) any covered transaction described in subparagraph (E), if any party to the transaction submitted false or misleading material information to the Committee in connection with the Committee's consideration of the transaction or omitted material information, including material documents, from information submitted to the Committee; or''; and

(C) in clause (iii)—

(i) in the matter preceding subclause (I), by striking ''any covered transaction that has previously been reviewed or investigated under this section,'' and inserting ''any covered transaction described in subparagraph (E),'';

(ii) in subclause (I), by striking ''intentionally'';

(iii) in subclause (II), by striking ''an intentional'' and inserting ''a''; and

(iv) in subclause (III), by inserting ''adequate and appropriate'' before ''remedies or enforcement tools''; and

(3) by inserting after subparagraph (D) the following:

''(E) COVERED TRANSACTIONS DESCRIBED.—A covered transaction is described in this subparagraph if—

''(i) the Committee has informed the parties to the transaction in writing that the Committee has completed all action under this section with respect to the transaction; or

''(ii) the President has announced a decision not to exercise the President's authority under subsection (d) with respect to the transaction.''.

SEC. 8. TIMING FOR REVIEWS AND INVESTIGATIONS.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)), as amended by section 7, is further amended—

(1) in paragraph (1)(F), by striking ''30'' and inserting ''45'';

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) TIMING.—

''(i) IN GENERAL.—Except as provided in clause (ii), any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

''(ii) EXTENSION FOR EXTRAORDINARY CIRCUMSTANCES.—

''(I) IN GENERAL.—In extraordinary circumstances (as defined by the Committee in regulations), the chairperson may, at the request of the head of the lead agency, extend an investigation under subparagraph (A) for one 30-day period.

''(II) NONDELEGATION.—The authority of the chairperson and the head of the lead agency referred to in subclause (I) may not be delegated to any person other than the Deputy Secretary of the Treasury or the deputy head (or equivalent thereof) of the lead agency, as the case may be.

''(III) NOTIFICATION TO PARTIES.—If the Committee extends the deadline under subclause (I) with respect to a covered transaction, the Committee shall notify the parties to the transaction of the extension.''; and

(3) by adding at the end the following:

''(8) TOLLING OF DEADLINES DURING LAPSE IN APPROPRIATIONS.—Any deadline or time limitation under this subsection shall be tolled during a lapse in appropriations.''.

SEC. 9. MONITORING OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)), as amended by section 7, is further amended by adding at the end the following:

''(H) MONITORING OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.—The Committee shall establish a mechanism to identify covered transactions for which—

''(i) a notice under clause (i) of subparagraph (C) or a declaration under clause (v) of that subparagraph is not submitted to the Committee; and

''(ii) information is reasonably available.''.

SEC. 10. SUBMISSION OF CERTIFICATIONS TO CONGRESS.

Section 721(b)(3)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)(C)) is amended—

(1) in clause (iii)—

(A) in subclause (II), by inserting ''and the Select Committee on Intelligence'' after ''Urban Affairs''; and

(B) in subclause (IV), by inserting ''and the Permanent Select Committee on Intelligence'' after ''Financial Services'';

(2) in clause (iv), by striking subclause (II) and inserting the following:

''(II) DELEGATION OF CERTIFICATIONS.—

''(aa) IN GENERAL.—Subject to item (bb), the chairperson, in consultation with the Committee, may determine the level of official to whom the signature requirement under subclause (I) for the chairperson and the head of the lead agency may be delegated. The level of official to whom the signature requirement may be delegated may differ based on any factor relating to a transaction that the chairperson, in consultation with the Committee, deems appropriate, including the type or value of the transaction.

''(bb) LIMITATIONS.—The signature requirement under subclause (I) may be delegated—

''(AA) in the case of a covered transaction assessed by the Director of National Intelligence under paragraph (4) as more likely than not to threaten the national security of the United States, not below the level of the Assistant Secretary of the Treasury or an equivalent official of another agency or department represented on the Committee; and

''(BB) in the case of any other covered transaction, not below the level of a Deputy Assistant Secretary of the Treasury or an equivalent official of another agency or department represented on the Committee.''; and

(3) by adding at the following:

''(v) AUTHORITY TO CONSOLIDATE DOCUMENTS.—Instead of transmitting a separate certified notice or certified report under subparagraph (A) or (B) with respect to each covered transaction, the Committee may, on a monthly basis, transmit such notices and reports in a consolidated document to the Members of Congress specified in clause (iii).''.

SEC. 11. ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.

Section 721(b)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) ANALYSIS REQUIRED.—

''(i) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction, which shall include the identification of any recognized gaps in the collection of intelligence relevant to the analysis.

''(ii) VIEWS OF INTELLIGENCE AGENCIES.—The Director shall seek and incorporate into the analysis required by clause (i) the views of all affected or appropriate intelligence agencies with respect to the transaction.

''(iii) UPDATES.—At the request of the lead agency, the Director shall update the analysis conducted under clause (i) with respect to a covered transaction with respect to which an agreement was entered into under subsection (l)(3)(A).

''(iv) INDEPENDENCE AND OBJECTIVITY.—The Committee shall ensure that its processes under this section preserve the ability of the Director to conduct analysis under clause (i) that is independent, objective, and consistent with all applicable directives, policies, and analytic tradecraft standards of the intelligence community.'';

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) BASIC THREAT INFORMATION.—

''(i) IN GENERAL.—The Director of National Intelligence may provide the Committee with basic information regarding any threat to the national security of the United States posed by a covered transaction described in clause (ii) instead of conducting the analysis required by subparagraph (A).

''(ii) COVERED TRANSACTION DESCRIBED.—A covered transaction is described in this clause if—

''(I) the transaction is described in subsection (a)(5)(B)(ii);

''(II) the Director of National Intelligence has completed an analysis pursuant to subparagraph (A) involving each foreign person that is a party to the transaction during the 12 months preceding the review or investigation of the transaction under this section; or

''(III) the transaction otherwise meets criteria agreed upon by the Committee and the Director of National Intelligence for purposes of this subparagraph.'';

(4) in subparagraph (C), as redesignated by paragraph (2), by striking ''20'' and inserting ''30''; and

(5) by adding at the end the following:

''(F) ASSESSMENT OF OPERATIONAL IMPACT.—The Director may provide to the Committee an assessment, separate from the analyses under subparagraphs (A) and (B), of any operational impact of a covered transaction on the intelligence community and a description of any actions that have been or will be taken to mitigate any such impact.

''(G) SUBMISSION TO CONGRESS.—The Committee shall submit the analysis required by subparagraph (A) with respect to a covered transaction to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives upon the conclusion of action under this section (other than compliance reviews under subsection (l)(6)) with respect to the transaction.''.

SEC. 12. INFORMATION SHARING.

Section 721(c) of the Defense Production Act of 1950 (50 U.S.C. 4565(c)) is amended—

(1) by striking ''Any information'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), any information'';

(2) by striking '', except as may be relevant'' and all that follows and inserting a period; and

(3) by adding at the end the following:

''(2) EXCEPTIONS.—Paragraph (1) shall not prohibit the disclosure of the following:

''(A) Information relevant to any administrative or judicial action or proceeding.

''(B) Information to either House of Congress or to any duly authorized committee or subcommittee of Congress.

''(C) Information to any domestic or foreign governmental entity, under the direction of the chairperson, to the extent necessary for national security purposes and pursuant to appropriate confidentiality and classification arrangements.

''(D) Information that the parties have consented to be disclosed to third parties.''.

SEC. 13. ACTION BY THE PRESIDENT.

(a) IN GENERAL.—Section 721(d) of the Defense Production Act of 1950 (50 U.S.C. 4565(d)) is amended—

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

''(1) IN GENERAL.—Subject to paragraph (4), the President may, with respect to a covered transaction that threatens to impair the national security of the United States—

''(A) take such action for such time as the President considers appropriate to suspend or prohibit the transaction or to require divestment; and

''(B) in conjunction with taking any such action, take any additional action the President considers appropriate to address the risk to the national security of the United States identified during the review and investigation of the transaction under this section.''; and

(2) in paragraph (2), by striking ''not later than 15 days'' and all that follows and inserting the following: ''with respect to a covered transaction not later than 15 days after the earlier of—

''(A) the date on which the investigation of the transaction under subsection (b) is completed; or

''(B) the date on which the Committee otherwise refers the transaction to the President under subsection (l)(2).''.

(b) CIVIL PENALTIES.—Section 721(h)(3)(A) of the Defense Production Act of 1950 (50 U.S.C. 4565(h)(3)(A)) is amended by striking ''including any mitigation'' and all that follows through ''subsection (l)'' and inserting ''including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this section''.

SEC. 14. JUDICIAL REVIEW PROCEDURES.

Section 721(e) of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended to read as follows:

''(e) ACTIONS AND FINDINGS NONREVIEWABLE.—

''(1) ACTIONS AND FINDINGS OF THE PRESIDENT.—The actions and findings of the President or the President's designee under this section shall not be subject to judicial review, including claims under chapter 7 of title 5, United States Code.

''(2) ACTIONS AND FINDINGS OF THE COMMITTEE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the actions and findings of the Committee under subsection (b) or (l), and any assessment of penalties or use of enforcement authorities under this section, shall not be subject to judicial review, including claims under chapter 7 of title 5, United States Code.

''(B) PETITIONS.—

''(i) DEFINITION.—In this subparagraph, the term 'classified information' means any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(ii) PETITION.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 60 days after the date on which the President or the Committee takes an action with respect to the covered transaction, any party to the covered transaction may file a petition under this subparagraph alleging that the action of the Committee is a violation of a constitutional right, power, privilege, or immunity.

''(II) NOTIFICATION.—No party to a covered transaction shall be permitted to file a petition or any claim related to a petition under subclause (I) unless—

''(aa) the party initiated the review of the transaction pursuant to a written notice filed under clause (i) of subsection (b)(1)(C) or a declaration filed under clause (v) of that subsection or the Committee determines that such a notice or declaration was not required; and

''(bb) the Committee has completed all action under this section with respect to the transaction.

''(III) RELATED CLAIMS.—Any claims related to a petition filed under this clause shall be filed before the date described in subclause (I).

''(iii) EXCLUSIVE JURISDICTION.—

''(I) IN GENERAL.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over claims arising under this subparagraph, subject to review by the Supreme Court of the United States under section 1254 of title 28, United States Code, only—

''(aa) to affirm the action of the Committee; or

''(bb) to remand the case to the Committee for further consideration.

''(II) STANDARD OF REVIEW.—The court shall uphold an action challenged under this subparagraph unless the court finds that the action was contrary to a constitutional right, power, privilege, or immunity.

''(iv) SCOPE OF REVIEW.—In a claim under this subparagraph, the court shall decide all relevant questions based solely on any administrative record submitted by the United States under clause (v).

''(v) ADMINISTRATIVE RECORD AND PROCEDURES.—

''(I) IN GENERAL.—Notwithstanding any other provision of law, the procedures described in this clause shall apply to the review of a petition under this subparagraph.

''(II) ADMINISTRATIVE RECORD.—

''(aa) FILING OF RECORD.—The United States shall file with the court an administrative record, which shall consist of the information that the parties submitted to the Committee and that the Committee relied upon in support of the action of the Committee under review.

''(bb) UNCLASSIFIED, NONPRIVILEGED INFORMATION.—All unclassified information contained in the administrative record that is not otherwise privileged or subject to statutory protections shall be provided to the petitioner with appropriate protections for any privileged or confidential trade secrets and commercial or financial information.

''(cc) DISCOVERY BAR.—Other than the provision of information in the administrative record described in subparagraph (II)(bb), no discovery shall be permitted.

''(dd) IN CAMERA AND EX PARTE.—The following information may be included in the administrative record and shall be submitted only to the court ex parte and in camera:

''(AA) Unclassified information subject to privilege or statutory protections.

''(BB) Classified information.

''(CC) Sensitive security information.

''(DD) Sensitive law enforcement information.

''(EE) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

''(ee) UNDER SEAL.—Any classified information, sensitive security information, law enforcement sensitive information, or information that is otherwise privileged or subject to statutory protections, that is part of the administrative record filed ex parte and in camera, or cited by the court in any decision, shall be treated by the court consistent with the provisions of this subparagraph, and shall remain under seal and preserved in the records of the court to be made available in the event of further proceedings. In no event shall such information be released to the claimant or as part of the public record.

''(ff) RETURN.—After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States.

''(gg) CONSIDERATION OF CLAIM WITHOUT INFORMATION IN ADMINISTRATIVE RECORD.—If, on motion or sua sponte, the court determines that the claim may be considered without any of the information in the administrative record, the court shall require that only the necessary information, if any, from the record be provided to the parties.

''(vi) EXCLUSIVE REMEDY.—A determination by the court under this subparagraph shall be the exclusive judicial remedy for any claim described in this subparagraph against the United States, any United States department or agency, or any component or official of any such department or agency.

''(vii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as limiting, superseding, or preventing the invocation of, any privileges or defenses that are otherwise available at law or in equity to protect against the disclosure of information.''.

SEC. 15. FACTORS TO BE CONSIDERED.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. 4565(f)) is amended—

(1) in paragraph (1), by inserting ''including whether the covered transaction is likely to result in the increased reliance by the United States on foreign suppliers to meet national defense requirements;'' after ''defense requirements,'';

(2) in paragraph (4), by striking ''proposed or pending'';

(3) by striking paragraph (5) and insert the following:

''(5) the potential effects of the covered transaction on United States international technological and industrial leadership in areas affecting United States national security, including whether the transaction is likely to reduce the technological and industrial advantage of the United States relative to any country of special concern;'';

(4) in paragraph (6), by inserting ''and transportation assets, as defined in Presidential Policy Directive 21 (February 12, 2013; relating to critical infrastructure security and resilience) or any successor directive'' after ''energy assets'';

(5) in paragraph (7), by inserting '', including whether the covered transaction is likely to contribute to the loss of or other adverse effects on technologies that provide a strategic national security advantage to the United States'' after ''critical technologies'';

(6) in paragraph (10), by striking ''; and'' and inserting a semicolon;

(7) by redesignating paragraph (11) as paragraph (20); and

(8) by inserting after paragraph (10) the following:

''(11) the degree to which the covered transaction is likely to increase the cost to the United States Government of acquiring or maintaining the equipment and systems that are necessary for defense, intelligence, or other national security functions;

''(12) the potential national security-related effects of the cumulative market share of any one type of infrastructure, energy asset, critical material, or critical technology by foreign persons;

''(13) whether any foreign person that would acquire an interest in a United States business or its assets as a result of the covered transaction has a history of—

''(A) complying with United States laws and regulations, including laws and regulations pertaining to exports, the protection of intellectual property, and immigration; and

''(B) adhering to contracts or other agreements with entities of the United States Government;

''(14) the extent to which the covered transaction is likely to expose, either directly or indirectly, personally identifiable information, genetic information, or other sensitive data of United States citizens to access by a foreign government or foreign person that may exploit that information in a manner that threatens national security;

''(15) whether the covered transaction is likely to have the effect of creating any new cybersecurity vulnerabilities in the United States or exacerbating existing cybersecurity vulnerabilities;

''(16) whether the covered transaction is likely to result in a foreign government gaining a significant new capability to engage in malicious cyber-enabled activities against the United States, including such activities designed to affect the outcome of any election for Federal office;

''(17) whether the covered transaction involves a country of special concern that has a demonstrated or declared strategic goal of acquiring a type of critical technology that a United States business that is a party to the transaction possesses;

''(18) whether the covered transaction is likely to facilitate criminal or fraudulent activity affecting the national security of the United States;

''(19) whether the covered transaction is likely to expose any information regarding sensitive national security matters or sensitive procedures or operations of a Federal law enforcement agency with national security responsibilities to a foreign person not authorized to receive that information; and''.

SEC. 16. ACTIONS BY THE COMMITTEE TO ADDRESS NATIONAL SECURITY RISKS.

Section 721(l) of the Defense Production Act of 1950 (50 U.S.C. 4565(l)) is amended—

(1) in the subsection heading, by striking ''MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT'' and inserting ''ACTIONS BY THE COMMITTEE TO ADDRESS NATIONAL SECURITY RISKS'';

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (5), and (6), respectively;

(3) by inserting before paragraph (3), as redesignated by paragraph (2), the following:

''(1) SUSPENSION OF TRANSACTIONS.—The Committee, acting through the chairperson, may suspend a proposed or pending covered transaction that may pose a risk to the national security of the United States for such time as the covered transaction is under review or investigation under subsection (b).

''(2) REFERRAL TO PRESIDENT.—The Committee may, at any time during the review or investigation of a covered transaction under subsection (b), complete the action of the Committee with respect to the transaction and refer the transaction to the President for action pursuant to subsection (d).'';

(4) in paragraph (3), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''IN GENERAL'' and inserting ''AGREEMENTS AND CONDITIONS'';

(ii) by striking ''The Committee'' and inserting the following:

''(i) IN GENERAL.—The Committee'';

(iii) by striking ''threat'' and inserting ''risk''; and

(iv) by adding at the end the following:

''(ii) ABANDONMENT OF TRANSACTIONS.—If a party to a covered transaction has voluntarily chosen to abandon the transaction, the Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction for purposes of effectuating such abandonment and mitigating any risk to the national security of the United States that arises as a result of the covered transaction.

''(iii) AGREEMENTS AND CONDITIONS RELATING TO COMPLETED TRANSACTIONS.—The Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to a completed covered transaction in order to mitigate any interim risk to the national security of the United States that may arise as a result of the covered transaction until such time that the Committee has completed action pursuant to subsection (b) or the President has taken action pursuant to subsection (d) with respect to the transaction.''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) LIMITATIONS.—An agreement may not be entered into or condition imposed under subparagraph (A) with respect to a covered transaction unless the Committee determines that the agreement or condition resolves the national security concerns posed

by the transaction, taking into consideration whether the agreement or condition is reasonably calculated to—

''(i) be effective;

''(ii) allow for compliance with the terms of the agreement or condition in an appropriately verifiable way; and

''(iii) enable effective monitoring of compliance with and enforcement of the terms of the agreement or condition.

''(C) JURISDICTION.—The provisions of section 706(b) shall apply to any mitigation agreement entered into or condition imposed under subparagraph (A).'';

(5) by inserting after paragraph (3), as redesignated by paragraph (2), the following:

''(4) RISK-BASED ANALYSIS REQUIRED.—

''(A) IN GENERAL.—Any determination of the Committee to suspend a covered transaction under paragraph (1), to refer a covered transaction to the President under paragraph (2), or to negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to a covered transaction, shall be based on a risk-based analysis, conducted by the Committee, of the effects on the national security of the United States of the covered transaction, which shall include—

''(i) an assessment of—

''(I) the national security threat posed by the transaction, taking into account the analysis conducted by the Director of National Intelligence under subsection (b)(4);

''(II) any national security vulnerabilities related to the transaction; and

''(III) the potential national security consequences of the transaction; and

''(ii) an identification of any of the factors described in subsection (f) that the transaction may substantially implicate.

''(B) ACTIONS OF MEMBERS OF THE COMMITTEE.—

''(i) IN GENERAL.—Any member of the Committee who concludes that a covered transaction poses an unresolved national security concern shall recommend to the Committee that the Committee suspend the transaction under paragraph (1), refer the transaction to the President under paragraph (2), or negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to the transaction. In making that recommendation, the member shall propose the risk-based analysis required by subparagraph (A).

''(ii) FAILURE TO REACH CONSENSUS.—If the Committee fails to reach consensus with respect to a recommendation under clause (i) regarding a covered transaction, the members of the Committee who support an alternative recommendation shall produce—

''(I) a written statement justifying the alternative recommendation; and

''(II) as appropriate, a risk-based analysis that supports the alternative recommendation.'';

(6) in paragraph (5), as redesignated by paragraph (2), by striking ''(as defined in the National Security Act of 1947)''; and

(7) in paragraph (6), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''paragraph (1)'' and inserting ''paragraph (3)''; and

(ii) by striking the second sentence and inserting the following: ''The lead agency may, at its discretion, seek and receive the assistance of other departments or agencies in carrying out the purposes of this paragraph.'';

(B) in subparagraph (B)—

(i) by striking ''DESIGNATED AGENCY'' and all that follows through ''The lead agency in connection'' and inserting ''DESIGNATED AGENCY.—The lead agency in connection'';

(ii) by striking clause (ii); and

(iii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the left; and

(C) by adding at the end the following:

''(C) COMPLIANCE PLANS.—

''(i) IN GENERAL.—In the case of a covered transaction with respect to which an agreement is entered into under paragraph (3)(A), the Committee or lead agency, as the case may be, shall formulate, adhere to, and keep updated a plan for monitoring compliance with the agreement.

''(ii) ELEMENTS.—Each plan required by clause (i) with respect to an agreement entered into under paragraph (3)(A) shall include an explanation of—

''(I) which member of the Committee will have primary responsibility for monitoring compliance with the agreement;

''(II) how compliance with the agreement will be monitored;

''(III) how frequently compliance reviews will be conducted;

''(IV) whether an independent entity will be utilized under subparagraph (E) to conduct compliance reviews; and

''(V) what actions will be taken if the parties fail to cooperate regarding monitoring compliance with the agreement.

''(D) EFFECT OF LACK OF COMPLIANCE.—If, at any time after a mitigation agreement or condition is entered into or imposed under paragraph (3)(A), the Committee or lead agency, as the case may be, determines that a party or parties to the agreement or condition are not in compliance with the terms of the agreement or condition, the Committee or lead agency may, in addition to the authority of the Committee to impose penalties pursuant to subsection (h)(3) and to unilaterally initiate a review of any covered transaction under subsection (b)(1)(D)(iii)(I)—

''(i) negotiate a plan of action for the party or parties to remediate the lack of compliance, with failure to abide by the plan or otherwise remediate the lack of compliance serving as the basis for the Committee to find a material breach of the agreement or condition;

''(ii) require that the party or parties submit any covered transaction initiated after the date of the determination of noncompliance and before the date that is 5 years after the date of the determination to the Committee for review under subsection (b); or

''(iii) seek injunctive relief.

''(E) USE OF INDEPENDENT ENTITIES TO MONITOR COMPLIANCE.—If the parties to an agreement entered into under paragraph (3)(A) enter into a contract with an independent entity from outside the United States Government for the purpose of monitoring compliance with the agreement, the Committee shall take such action as is necessary to prevent a conflict of interest from arising by ensuring that the independent entity owes no fiduciary duty to the parties.

''(F) ADDITIONAL COMPLIANCE MEASURES.—Subject to subparagraphs (A) through (E), the Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately ensure compliance without unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice under clause (i) of subsection (b)(1)(C) or declaration under clause (v) of that subsection has been filed, and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason.''.

SEC. 17. MODIFICATION OF ANNUAL REPORT.

Section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)) is amended—

(1) in paragraph (1), by striking ''committee'' and all that follows through ''Representatives,'' and inserting ''appropriate congressional committees'';

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

''(A) A list of all notices filed and all reviews or investigations of covered transactions completed during the period, with—

''(i) a description of the outcome of each review or investigation, including whether an agreement was entered into or condition was imposed under subsection (l)(3)(A) with respect to the transaction being reviewed or investigated, and whether the President took any action under this section with respect to that transaction;

''(ii) basic information on each party to each such transaction;

''(iii) the nature of the business activities or products of the United States business with which the transaction was entered into or intended to be entered into; and

''(iv) information about any withdrawal from the process.'';

(B) by adding at the end the following:

''(G) Statistics on compliance reviews conducted and actions taken by the Committee under subsection (l)(6), including subparagraph (D) of that subsection, during that period and a description of any actions taken by the Committee to impose penalties or initiate a unilateral review pursuant to subsection (b)(1)(D)(iii)(I).'';

(3) in paragraph (3)—

(A) by striking ''CRITICAL TECHNOLOGIES'' and all that follows through ''In order to assist'' and inserting ''CRITICAL TECHNOLOGIES.—In order to assist'';

(B) by striking subparagraph (B); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the left; and

(4) by adding at the end the following:

''(4) BIENNIAL INTELLIGENCE COMMUNITY REPORT.—

''(A) IN GENERAL.—The Director of National Intelligence shall transmit to the chairperson, for inclusion in a classified portion of each report required to be submitted under paragraph (1) during calendar year 2018 and every even-numbered year thereafter, the report of the interagency group established under subparagraph (C).

''(B) ELEMENTS.—The report referred to in subparagraph (A) shall include an identification, analysis, and explanation of the following:

''(i) Any current or projected major threats to the national security of the United States with respect to foreign investment.

''(ii) Any strategies used by countries of special concern to utilize foreign investment to target the acquisition of critical technologies, critical materials, or critical infrastructure.

''(iii) Any economic espionage efforts directed at the United States by a foreign country, particularly a country of special concern.

''(C) INTELLIGENCE COMMUNITY INTERAGENCY WORKING GROUP.—The Director of National Intelligence—

''(i) shall establish an interagency working group, composed of representatives of elements of the intelligence community, to prepare the report required under this paragraph;

''(ii) shall serve as the chairperson of the interagency working group; and

''(iii) may consult with and seek input from any member of the Committee, as the Director considers necessary.

''(5) CLASSIFICATION; AVAILABILITY OF REPORT.—

''(A) CLASSIFICATION.—All appropriate portions of the annual report required by paragraph (1) may be classified.

''(B) PUBLIC AVAILABILITY OF UNCLASSIFIED VERSION.—An unclassified version of the report required by paragraph (1), as appropriate and consistent with safeguarding national security and privacy, shall be made available to the public. Information regarding trade secrets or business confidential information may be included in the classified version and may not be made available to the public in the unclassified version.

''(C) EXCEPTIONS TO FREEDOM OF INFORMATION ACT.—The exceptions to subsection (a) of section 552 of title 5, United States Code, provided for under subsection (b) of that section shall apply with respect to the report required by paragraph (1).

''(6) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Financial Services, the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Homeland Security of the House of Representatives.''.

SEC. 18. CERTIFICATION OF NOTICES AND INFORMATION.

Section 721(n) of the Defense Production Act of 1950 (50 U.S.C. 4565(n)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking ''Each notice'' and inserting the following:

''(1) IN GENERAL.—Each notice''; and

(3) by adding at the end the following:

''(2) EFFECT OF FAILURE TO SUBMIT.—The Committee may not complete a review under this section of a covered transaction and may recommend to the President that the President suspend or prohibit the transaction or require divestment under subsection (d) if the Committee determines that a party to the transaction has—

''(A) failed to submit a statement required by paragraph (1); or

''(B) included false or misleading information in a notice or information described in paragraph (1) or omitted material information from such notice or information.

''(3) APPLICABILITY OF LAW ON FRAUD AND FALSE STATEMENTS.—The Committee shall prescribe regulations expressly providing for the application of section 1001 of title 18, United States Code, to all information provided to the Committee under this section by any party to a covered transaction.''.

SEC. 19. FUNDING.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended by adding at the end the following:

''(o) FUNDING.—

''(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the 'Committee on Foreign Investment in the United States Fund' (in this subsection referred to as the 'Fund').

''(2) APPROPRIATION OF FUNDS FOR THE COMMITTEE.—There are authorized to be appropriated to the Fund such sums as may be necessary to perform the functions of the Committee.

''(3) FILING FEES.—

''(A) IN GENERAL.—The Committee may assess and collect a fee in an amount determined by the Committee in regulations, to the extent provided in advance in appropriations Acts, without regard to section 9701 of title 31, United States Code, and subject to subparagraph (B), with respect to each covered transaction for which a written notice is submitted to the Committee under subsection (b)(1)(C)(i).

''(B) LIMITATION ON AMOUNT OF FEE.—The amount of the fee determined under subparagraph (A) with respect to a covered transaction described in that subparagraph may not exceed an amount equal to the lesser of—

''(i) 1 percent of the value of the transaction; or

''(ii) $300,000, adjusted annually for inflation pursuant to regulations prescribed by the Committee.

''(C) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under subparagraph (A) shall—

''(i) be deposited as offsetting collections into the Fund for use in carrying out activities under this section;

''(ii) to the extent and in the amounts provided in advance in appropriations Acts, be available to the chairperson;

''(iii) remain available until expended; and

''(iv) be in addition to any appropriations made available to the members of the Committee.

''(4) TRANSFER OF FUNDS.—The chairperson may transfer any amounts in the Fund to any other department or agency represented on the Committee for the purpose of addressing emerging needs in carrying out activities under this section. Amounts so transferred shall be in addition to any other amounts available to that department or agency for that purpose.''.

SEC. 20. CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by section 19, is further amended by adding at the end the following:

''(p) CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.—

''(1) IN GENERAL.—The chairperson, in consultation with the Committee, may centralize certain functions of the Committee within the Department of the Treasury for the purpose of enhancing interagency coordination and collaboration in carrying out the functions of the Committee under this section.

''(2) FUNCTIONS.—Functions that may be centralized under paragraph (1) include monitoring non-notified and non-declared transactions pursuant to subsection (b)(1)(H), and other functions as determined by the chairperson and the Committee.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any department or agency represented on the Committee to represent its own interests before the Committee.''.

SEC. 21. UNIFIED BUDGET REQUEST.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by sections 19 and 20, is further amended by adding at the end the following:

''(q) UNIFIED BUDGET REQUEST.—

''(1) IN GENERAL.—The President may include, in the budget of the Department of the Treasury for a fiscal year (as submitted to Congress with the budget of the President under section 1105(a) of title 31, United States Code), a unified request for funding of all operations under this section conducted by some or all of the departments and agencies represented on the Committee.

''(2) FORM OF BUDGET REQUEST.—A unified request under paragraph (1) should be detailed and include the amounts requested for each department or agency represented on the Committee to carry out the functions of that department or agency under this section.''.

SEC. 22. SPECIAL HIRING AUTHORITY.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by sections 19, 20, and 21, is further amended by adding at the end the following:

''(r) SPECIAL HIRING AUTHORITY.—The heads of the departments and agencies represented on the Committee may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service (as defined in section 2102 of that title) in their respective departments and agencies to administer this section.''.

SEC. 23. CONFORMING AMENDMENTS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by this Act, is further amended—

(1) in subsection (b)(2)(B)(i)(I), by striking ''that threat'' and inserting ''the risk''; and

(2) in subsection (d)(4)(A), by striking ''the foreign interest exercising control'' and inserting ''a foreign person that would acquire an interest in a United States business or its assets as a result of the covered transaction''.

SEC. 24. ASSESSMENT OF NEED FOR ADDITIONAL RESOURCES FOR COMMITTEE.

The President shall—

(1) determine whether and to what extent the expansion of the responsibilities of the Committee on Foreign Investment in the United States pursuant to the amendments made by this Act necessitates additional resources for the Committee and members of the Committee to perform their functions under section 721 of the Defense Production Act of 1950, as amended by this Act; and

(2) if the President determines that additional resources are necessary, include in the budget of the President for fiscal year 2019 submitted to Congress under section 1105(a) of title 31, United States Code, a request for such additional resources.

SEC. 25. AUTHORIZATION FOR DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO LIMIT FOREIGN ACCESS TO TECHNOLOGY THROUGH CONTRACTS AND GRANT AGREEMENTS.

(a) IN GENERAL.—The Director of the Defense Advanced Research Projects Agency, or a designee of the Director, may include in any contract or grant agreement that the Director enters into with a person, and that is funded by that Agency, a provision that—

(1) limits access by any foreign person to technology that is the subject of the contract or grant agreement under terms defined by the Director, including by limiting such access to specific periods of time; and

(2) in a case in which the person violates the prohibition described in paragraph (1), requires the person to return all amounts that the person received from the Agency under the contract or grant agreement.

(b) TREATMENT OF RETURNED FUNDS.—Any amounts returned to the Defense Advanced Research Projects Agency under subsection (a)(2) shall be credited to the same appropriations account from which payment of such amounts was originally made under the contract or grant agreement described in subsection (a).

(c) EXERCISE OF AUTHORITY.—The Director, or the designee of the Director, may exercise the authority provided by this section without the need for further approval by, or regulatory implementation within, the Department of Defense.

SEC. 26. EFFECTIVE DATE.

(a) IMMEDIATE APPLICABILITY OF CERTAIN PROVISIONS.—The following shall take effect on the date of the enactment of this Act and

apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after such date of enactment:

(1) Sections 4, 6, 8, 12, 13, 14, 15, 18, 20, 21, 22, 24, and 25 and the amendments made by those sections.

(2) Section 11 and the amendments made by that section (except for clause (iii) of section 721(b)(4)(A) of the Defense Production Act of 1950, as added by section 11).

(3) Paragraphs (5)(C)(iv), (7), and (14) of subsection (a) of section 721 of the Defense Production Act of 1950, as amended by section 3.

(4) Section 721(m)(4) of the Defense Production Act of 1950, as amended by section 17.

(b) DELAYED APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Any provision of or amendment made by this Act not specified in subsection (a) shall—

(A) take effect on the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee on Foreign Investment in the United States that the regulations, organizational structure, personnel, and other resources necessary to administer the new provisions are in place; and

(B) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date described in subparagraph (A).

(2) NONDELEGATION OF DETERMINATION.—The determination of the chairperson of the Committee on Foreign Investment in the United States under paragraph (1)(A) may not be delegated.

(c) AUTHORIZATION FOR PILOT PROGRAMS.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act and ending on the date described in subsection (b)(1)(A), the Committee on Foreign Investment in the United States may, at its discretion, conduct one or more pilot programs to implement any authority provided pursuant to any provision of or amendment made by this Act not specified in subsection (a).

(2) PUBLICATION IN FEDERAL REGISTER.—A pilot program may not commence until the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee of the scope of and procedures for the pilot program. That determination may not be delegated.

SEC. 27. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of such a provision or amendment to any person or circumstance, is held to be invalid, the application of that provision or amendment to other persons or circumstances and the remainder of the provisions of this Act and the amendments made by this Act, shall not be affected thereby.

By Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. MURPHY, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. REED, Mr. CARPER, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. SCHATZ, Ms. HIRONO, Ms. WARREN, Mr. MARKEY, Mr. BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HARRIS, Mr. CASEY, and Mr. SANDERS):

S. 2095. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, for the last month, in the wake of the tragedy in Las Vegas, I have been asking my colleagues to show some courage, stand up to the gun lobby, and take weapons of war off of our streets.

Now, we have all had to bear witness to another tragedy. Three days ago, in Sutherland Springs, Texas, a single person armed with an assault rifle murdered 26 people and left another 20 injured. This gunman walked into a church and opened fire on peaceful churchgoers, including children as young as 18-months old. A helpless toddler who barely learned to walk. Eight members of a single family were also lost. Eight.

The shooter had 15 magazine clips of ammunition—almost 450 rounds—and used all of them. Ask yourself: how would you feel in those moments, with hundreds of bullets flying around and not knowing whether you will live or die, or whether you will be able to protect your child? Think about those children—terrified, witnessing their families being shot while in a place of worship. It is time that we ask what this says about us as a country. And what does this say about us to the rest of the world.

In 1996, after a mass shooting where a gunman opened fire on tourists at the sea side in Port Arthur, killing 35 people, Australia acted swiftly. Twelve days later, Australia's government enacted sweeping gun control measures. Since then, there has not been a single mass shooting in that country since. Mass shootings in America, however, have become common place. It is no longer a matter of if, but when, another one will happen.

If there are now mass shootings in churches, where are we safe anymore? Not concerts, not schools, not holiday parties. Just a month ago, we experienced the worst mass shooting in our nation's history in Las Vegas. A gunman opened fire with multiple semi-automatic assault rifles that he had legally transformed into automatic weapons, killing more than fifty people and leaving more than 500 wounded. Among the victims were mothers, fathers, brothers, and sisters.

There was Kelsey Meadows, 28 years old, who after graduating from the University of California, Fresno, returned to her hometown of Taft, California to be a substitute teacher at her alma mater, Taft Union High School. She was described by the high school principal as ''smart, compassionate, and kind'' with a ''sweet spirit and a love for children.'' Her entire family and community was completely devastated. Kelsey could have been any of us attending that concert. My own daughter told me after the Las Vegas shooting that she was supposed to be in the city that evening, but her plans had to change. It was only a little more than a year before the Las Vegas shooting that we experienced what had then been the worst mass shooting in our nation's history.

That was when 49 people who were enjoying an evening of dancing with friends and loved ones were massacred in Orlando. Victims in Orlando included 22-year old Luis Velma who was working at Universal Studios on a Harry Potter ride. There was also Eddie Justice, a 30-year old accountant who texted his mother from the shooting, telling her: ''Mommy I love you.'' ''In club they shooting.'' ''He has us.''

I encourage every member of this chamber to imagine receiving those text messages from their son or daughter.

And just six months before that, 14 people were killed and more than 20 injured in San Bernardino, California at a work holiday party.

Among the victims was a father of six. A mother of three. A woman who was eight when she and her mother left Vietnam for a better life in America. The youngest victim was 26, and the oldest was 60.

The list goes on and on. Eight murdered at the Umpqua Community College in Roseburg, Oregon. A police officer and two innocent citizens brutally murdered by a man with an AK–47 style weapon in Colorado Springs. In 2013, 12 people fatally shot at the Navy Yard, less than two miles from where I stand today. And on December 14, 2012, 20 children had their lives taken at Sandy Hook Elementary School. Children.

Once again, I encourage every member of this body to imagine dropping their young child off at elementary school this morning, only to learn a few hours later that a gunman walked into that school and tried to kill as many people as possible. That is something we could have prevented. But we did not. Instead, we have made it easier for those with mental health issues to get guns. I often remember Sandy Hook and think about how we let these families down. We failed them. And sadly, the mass shootings have continued to get worse in terms of frequency and lives lost. And I will not sit by while these killings continue.

That is why today I am joining with my colleagues to reintroduce legislation to prohibit the sale, transfer, manufacture, and importation of assault weapons and large capacity ammunition feeding devices that can accept more than ten rounds. I will keep doing this. This legislation must constantly be before this body until it is enacted. Every member must make a decision whether to stand up or let the National Rifle Association win again.

This legislation is not perfect. But it is part of the solution. We must start with reducing the supply of the weapons of war that are used to take the lives of our loved ones.

The deadly assault weapons used by the attackers in each of the devastating shootings I have mentioned would have been banned under the Assault Weapons Ban bill that I am introducing today. The new legislation is based off of legislation we previously introduced following the horrific attack committed against young school

children in Newtown, Connecticut. It will provide much needed fixes to the law to keep our communities safer, while also protecting the rights of lawful gun owners.

Back when we enacted the 1994 legislation, that law prohibited semiautomatic weapons with a detachable magazine and at least two military characteristics. The bill we are introducing today tightens this test to prohibit semiautomatic rifles, handguns, and shotguns that can accept a detachable magazine and have one military characteristic. This is the standard employed in my home state of California—and it works.

Based on the 10 years of experience from the 1994 law, we learned that the ''two-characteristic'' test was too easy to ''work around'': a manufacturer could simply remove one of the characteristics, and the firearm was legal. The bill we are introducing today will close that loophole. The bill also prohibits ''bullet buttons'', a feature that certain manufacturers developed to evade restrictions on detachable ammunition magazines. In San Bernardino, the assault rifles originally contained ''bullet buttons'' for their magazine clips—which enabled them to avoid California's assault weapons ban. Our bill contains language to close this loophole.

This bill also prohibits ''bump-fire stocks'', which, as we saw in Las Vegas, allows individuals to convert semi-automatic rifles to function like a machine gun.

Other changes to the 1994 bill include updating the list of specifically-named military-style firearms that are prohibited, to account for new models developed since 1994; prohibiting semiautomatic rifles and handguns with a fixed magazine that can accept more than 10 rounds; adding a ban on the importation of assault weapons and large-capacity magazines; and eliminating the 10-year sunset that allowed the original law to expire. Importantly, our legislation also prohibits large-capacity ammunition feeding devices capable of accepting more than 10 rounds.

Now, let me tell you what the bill will not do.

It will not affect hunting or sporting firearms. Instead, the bill protects hunters and sportsmen by exempting 2,258 firearms used for hunting or sporting purposes and exempting antique, manually-operated, and permanently disabled weapons. The bill protects the rights of existing gun owners by grandfathering weapons legally possessed on the date of enactment. The bill also imposes a safe storage requirement for grandfathered firearms to ensure they don't get into the hands of people who would be prohibited from possessing them.

While the bill permits the continued possession of high-capacity ammunition magazines that are legally possessed on the date of enactment, it would ban the future transfer of these magazines.

Finally, the bill allows local jurisdictions to use existing federal Byrne JAG grant money to support voluntary buyback programs for grandfathered assault weapons and large-capacity ammunition feeding devices.

Opponents charge that this legislation impinges upon rights protected by the Second Amendment. I disagree.

The Supreme Court expressly held in District of Columbia v. Heller that ''the right secured by the Second Amendment is not unlimited.'' The Court made it clear that reasonable regulations are allowable under the Constitution.

This bill is simply establishing reasonable regulations for what types of weapons may be sold and used—individuals should not own a nuclear weapon, they should not own a rocket launcher, and they should not own a military-style assault weapon.

In fact, a number of courts have considered challenges to assault weapons bans. To date, every court that has considered a ban on assault weapons or large capacity magazines has upheld the law as reasonable.

In fact, the D.C. Circuit, the Second Circuit, the Fourth Circuit, the Seventh Circuit, the Ninth Circuit, as well as a number of federal district courts have all upheld laws like the one we are proposing.

Importantly, the Supreme Court let stand the ruling out of the Seventh Circuit upholding a local ban on assault weapons and high capacity magazines from the City of Highland Park, Illinois.

Mr. President, I believe very strongly that the most important duty that government has to its citizens is to protect the nation and the safety of its people.

When 26 churchgoers are killed in cold blood with their loved ones in a Baptist Church on a Sunday morning, we fail them by not making sure that they can worship in peace.

When 58 people attending a concert in Las Vegas lose their lives because a madman was able to use laws on the books to make his semi-automatic rifle into a machinegun, all of those who sit in this chamber have failed them.

When 14 people are gunned down during a holiday party by those with assault rifles that let off 65–75 rounds within minutes, our government has failed them.

When 20 elementary school children are slaughtered by an assault weapon, America has failed them.

The firearms used in these massacres are weapons of war. Let me say it as plainly as I can: weapons of war do not belong on our streets, in our churches, in our schools, in our malls, in our theaters, or in our workplaces.

Now, I am under no illusions—I know that the gun lobby has a stranglehold on this building. I know we got 40 votes in 2013, and I know Republicans control the Senate today. But I also know this was hard-fought in 1994, and we prevailed—with Republican support—and it was a bipartisan vote. I still believe that, at some point, Americans will come together and realize that we can be a nation that protects its people from the savagery of these weapons.

I urge my colleagues to support this bill. I thank the chair, and I yield the floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—DESIGNATING NOVEMBER 9, 2017, AS ''NATIONAL DIABETES HEART HEALTH AWARENESS DAY'', COINCIDING WITH AMERICAN DIABETES MONTH

Mr. NELSON (for himself and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas 30,300,000 people in the United States, or 9.4 percent of the population, have diabetes, including an estimated 7,200,000 people who are undiagnosed and an additional 84,100,000 people who have prediabetes;

Whereas adults with diabetes are 2 to 4 times more likely to die from heart disease than adults without diabetes;

Whereas at least 68 percent of people who are 65 or older and who have diabetes die from some form of heart disease;

Whereas, among Medicare fee-for-service beneficiaries, diabetes and cardiovascular disease are common, with cardiovascular disease affecting 31 percent of beneficiaries and diabetes affecting 28 percent of beneficiaries;

Whereas the American Heart Association considers diabetes to be 1 of the 7 major controllable risk factors for cardiovascular disease;

Whereas minority populations are disproportionately affected by both cardiovascular disease and diabetes;

Whereas findings from a recent study reveal that 52 percent of adults living with type 2 diabetes are unaware they are at an increased risk for cardiovascular disease and complications from cardiovascular disease;

Whereas 2 out of 3 deaths in people with type 2 diabetes are attributed to cardiovascular disease;

Whereas obesity, poor diet, and lack of physical activity are all major risk factors for type 2 diabetes and cardiovascular disease;

Whereas 1,250,000 people in the United States have type 1 diabetes and the incidence of type 1 diabetes is increasing by more than an average of 2 percent each year;

Whereas cardiovascular disease is a major cause of mortality for people with type 1 diabetes;

Whereas, according to the American Diabetes Association, diagnosed and undiagnosed diabetes cost the United States $322,000,000,000 in 2012;

Whereas cardiovascular disease accounts for 26 percent of the hospital inpatient costs of treating people with diabetes;

Whereas most of the costs of diabetes, 62 percent, is provided by government insurance, including Medicare, Medicaid, and the military;

Whereas appropriate awareness and education about the cardiovascular risks associated with diabetes can effectively reduce the health and financial burden of illness; and

Whereas the designation of November 9, 2017, as ''National Diabetes Heart Health

Awareness Day'' and coinciding with American Diabetes Month, will raise public awareness about the specific risks of heart disease for people with diabetes and help to ensure people at risk receive a timely diagnosis and proper treatment: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 9, 2017, as ''National Diabetes Heart Health Awareness Day'';

(2) supports the efforts of the Secretary of Health and Human Services, as well as the entire medical community, to educate people about the risks, symptoms, and treatment of diabetes to include comorbid cardiovascular diseases and risk factors;

(3) encourages the greater coordination of federally funded efforts that address diabetes or cardiovascular disease independently to incorporate the common comorbidity of diabetes and cardiovascular disease, including education and actions that address both; and

(4) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Health and Human Services.

SENATE RESOLUTION 325—EXPRESSING SUPPORT FOR DESIGNATION OF THE WEEK OF OCTOBER 29 THROUGH NOVEMBER 4, 2017, AS ''NATIONAL OBESITY CARE WEEK''

Mr. CARPER (for himself, Mrs. CAPITO, and Mr. HEINRICH) submitted the following resolution; which was considered and agreed to:

S. RES. 325

Whereas the disease of obesity is a major source of concern across the United States, and more than ⅓ of adults in the United States are affected by obesity, with the number of people affected by severe obesity in the United States continuing to grow;

Whereas experts and researchers agree that obesity is a complex disease influenced by various physiological, environmental, and genetic factors;

Whereas studies show that bias against and stigma associated with people affected by obesity can be significant barriers to effectively treating the disease;

Whereas research suggests that weight loss of as little as 5 to 10 percent of the total weight of an individual affected by obesity can improve the associated health risks affecting many patients living with obesity and can thereby support the goals of reducing chronic disease, improving health outcomes, and controlling healthcare costs;

Whereas comprehensive and individualized strategies for weight loss and weight management that consider all treatment options, such as reduced-calorie diets, physical activity modifications, pharmacotherapy, and bariatric surgery, have been identified as important components of treatment;

Whereas it will take a long-term collaborative effort, which will involve partners in diverse fields taking active roles, to improve obesity care and treatment; and

Whereas the week of October 29 through November 4, 2017, would be an appropriate week to designate as ''National Obesity Care Week'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of October 29 through November 4, 2017, as ''National Obesity Care Week''; and

(2) encourages all people in the United States to create a foundation of open communication to eliminate the misunderstanding and stigma regarding obesity and to improve the lives of all individuals affected by obesity and their families.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 9:45 a.m., to conduct a hearing on the following nominations: Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission, James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration, Neil Jacobs, of North Carolina, and Nazakhtar Nikakhtar, of Maryland, both to be an Assistant Secretary of Commerce, Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board, Raymond Martinez, of New Jersey, to be Administrator of the Federal Motor Carrier Safety Administration, and Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary, both of the Department of Transportation, and Leon A. Westmoreland, of Georgia, to be a Director of the Amtrak Board of Directors; to be immediately followed by a hearing to examine protecting consumers in the era of major data breaches.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 10 a.m., in room SD–106 to conduct a hearing entitled ''Protecting Consumers in the Era of Major Data Breaches.''

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 10 a.m., in room SD–406 to conduct a hearing on the following nominations: Kathleen Hartnett White, of Texas, to be a Member of the Council on Environmental Quality, and Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 10 a.m. to conduct a hearing on the nomination of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 10 a.m., in room SD–226 to conduct a hearing entitled ''The Impact of Lawsuits Abuse on American Small Businesses and Job Creators.''

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 2:30 p.m., in room SD–628 to conduct a hearing on S. 465, ''Independent Outside Audit of Indian Health Service Act of 2017'' and S. 1400. ''Safeguarding Tribal Objects of Patrimony Act of 2017''.

SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH POLICY

The Subcommittee on Africa and Global Health Policy of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 3 p.m. to conduct a closed hearing on Ambassador Haley's Recent Trip to Africa.

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that my energy policy fellow, Shuchi Talati, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Zach Foote be granted privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARDNER. Mr. President, I ask unanimous consent that Tom Kourlis, a member of my staff, be given floor privileges for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DIABETES HEART HEALTH AWARENESS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 324, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 324) designating November 9, 2017, as ''National Diabetes Heart Health Awareness Day,'' coinciding with American Diabetes Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

EXPRESSING SUPPORT FOR DESIGNATION OF ''NATIONAL OBESITY CARE WEEK''

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 325, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 325) expressing support for designation of the week of October 29 through November 4, 2017, as ''National Obesity Care Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

FITARA ENHANCEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3243, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3243) to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3243) was ordered to a third reading, was read the third time, and passed.

FEDERAL AGENCY MAIL MANAGEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, H.R. 194.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 194) to ensure the effective processing of mail by Federal agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 194) was ordered to a third reading, was read the third time, and passed.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11 a.m. on Thursday, November 9, there be 30 minutes of postcloture time remaining on the Wehrum nomination, equally divided between the leaders or their designees, and that following the use or yielding back of that time, the Senate vote on the confirmation of the Wehrum nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; further, that following disposition of the Wehrum nomination, the Senate stand in recess until 1:45 p.m., and that at 1:45 p.m., the Senate vote on the motion to invoke cloture on the Kan nomination with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 9, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 9; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Wehrum nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators Perdue and Merkley.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

TAX REFORM

Mr. PERDUE. Mr. President, I say to the Presiding Officer, like you, I am a relative newcomer to this body. It is an enormous privilege and responsibility to be a Member. Like you, I come from the real world, spending a career where your word is your bond, and telling untruth is not rewarded. Unfortunately, in this body, sometimes that is not the case, and both sides are guilty. What Americans are demanding right now is a change in the status quo, not only in this body but in Washington and in its entirety.

Tonight I want to talk about some of the things that have happened in this body. I know both sides are guilty, but these are a couple of examples that I think rise above the norm and are so egregious that I could not let them stand.

Right now, Members of the minority party and their friends in the media are doing everything they can to stop us from changing the Tax Code this year. Their complaint about healthcare was that we weren't doing it in regular order. Now we are doing tax reform in regular order. The bill that we are working on in the Senate will go to committee as soon as next week. It will be marked up with amendments from both sides. At the right time, it will then go to this floor, and we will have amendments—again, from both sides—and we will vote that bill, up or down, into law or not. But Members on the other side are actively spreading numbers in studies that are based on false assumptions and have been proven to be untrue. I want to highlight a couple tonight, but there are many others.

On Monday, the Tax Policy Center released a study saying that the House plan, which was released last week, to change the Tax Code would raise taxes on 25 percent of American families. The minority leader said this on that day:

This analysis makes clear that over one quarter of taxpayers will see a tax increase under the Republican plan, all in the name of giveaways for the wealthiest Americans and biggest corporations. Republicans want to take away middle class deductions for people with student loan interest and medical expenses so that the rich can exploit bigger loopholes and corporations can pay lower taxes.

That study by the Tax Policy Center didn't even survive a full day. It was retracted later that afternoon. It is not even publicly available online today to review any longer. Do you know what is, though? The statements that came out of that report that day—false statements, just like the one I just gave, and many others highlighting that this study was reality. Maybe even worse is that these are false stories that are still running through the

media, as if they were true, as if they were facts.

The website Vox posted a story about this study titled, ''The numbers are in, and House Republican tax bill raises taxes on nearly a third of Americans.'' Surely, they posted an update saying that the study has been retracted. They say that they will update the story once new numbers are released. In the meantime, this headline and this story are still in existence as if they were still true. Why wouldn't they take down the story? Why wouldn't they change the headline until new numbers are available?

I wish this were a single, discredited study we are talking about and that this were the only time something like this has happened since we started to have this debate about changing the Tax Code and making America competitive again. Unfortunately, it is not.

Multiple Members of the minority party said that the tax framework supported by President Trump would raise taxes on families earning less than $86,000 per year. One of my colleagues said: ''On average, middle class families earning less than $86,000 will see a tax increase under the Republican 'tax reform' plan.''

Another colleague said: ''The average tax increase on families nationwide earning up to $86,100 would be $794.00 per year.''

Here is another one: ''The average tax increase on families nationwide earning up to $86,100 would be $794.''

You begin to think that there is a common thread among many Members in this body about this same story. This talking point is so wrong that even the Washington Post later that day came out and said so. It gave this claim four Pinocchios, which we all know is their highest number against a falsity. That is the worst rating you can get on their fact checking.

The Washington Post's full ruling said:

> Democrats have spread far and wide the false claim that families making less than $86,100 on average will face a hefty tax hike. Actually, it's the opposite. Most families in that income range would get a tax cut. Any Democrat who spread this claim should delete their tweets and make clear they were in error.

That is from the Washington Post. At least one statement making this claim is still up, and I haven't seen a single statement admitting error. These are but a couple of examples. There are many more.

As one last example, House Minority Leader PELOSI has called changing the Tax Code ''a Ponzi scheme.'' Virtually every Democrat has called it a ''betrayal of the middle class.'' Clearly, the facts do not back up these claims.

The minority party is doing all it can to stop us from getting this done this year because it makes good politics somehow. That is the only explanation I can think of.

Answer this for me; it doesn't make any sense: Why would someone oppose giving the middle class a tax break? Why would someone oppose making America competitive again? Why would someone oppose bringing billions of dollars of U.S. profits back to the United States so that they can be reinvested in the economy and create jobs? I don't understand it.

It is time for people in Washington, and even in this body, to stop doing what is best for their own political self-interest on both sides, frankly, and start doing what is right for the national interest. That right now—in the next few days—is clearly one thing, and that is fixing this archaic Tax Code.

Every person in this body is responsible to some degree for the archaic nature of this Tax Code. Both parties are responsible. If they were acting in our national interest, we would be hearing about the study showing that, on average, Americans are projected to get a pay increase of somewhere between $4,000 and $9,000 under this plan. We would be hearing about how families making less than $86,000 a year are actually getting a tax cut. Again, that is a point even the Washington Post has acknowledged.

We would be hearing about how lowering the corporate tax rate, ending the tax on repatriated earnings will make us more competitive with the rest of the world. We would be hearing about the economic growth that could result from these potential changes.

We have a historic opportunity before us to deliver results and make a difference in the lives of all Americans. There are Members of the minority party, however, who have supported these changes in the Tax Code right up until the point when President Trump took office. But that is no excuse for this nonsense that is going on right now.

I think it is our role, on both sides, to call out these untruths. It is also our responsibility to stop this nonsense. What the American people want are facts. They don't want fake news. They want to know that we are here doing their work for them, to make sure that we make America competitive again.

I say to the Presiding Officer, like you, I live in the real world. I have dealt with the nonsense that came out of these bodies that affected our Tax Code in a way that kept us from being competitive. It is time we change that. We have to get it done this year so that we can ignite economic growth next year and give relief to the middle class, who have suffered so much over the last 8 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF WILLIAM WEHRUM

Mr. MERKLEY. Mr. President, we have a very important role in this Senate—to provide advice and consent on nominees. Our forefathers, who wrote the Constitution, envisioned that this power would be used rarely because a President, knowing this power existed, would nominate highly suitable people for the post that they were intended to occupy. But we haven't seen highly suitable people coming through this Chamber this year. In fact, we have seen one person after another fabulously unsuited for the office or position to which they were nominated.

We saw Scott Pruitt, who took on and attacked regulations designed to create clean air across this country time after time, in a very close association with the fossil fuel industry that wanted to allow more particulates, more particulates that cause a tremendous amount of health damage in this country.

We saw Betsy DeVos come through this Chamber, an individual who was nominated to be Secretary of Public Education but had never stepped inside a public school, didn't respect public schools, hadn't had children in public schools, hadn't volunteered in public schools, and wanted to decimate public schools. The best thing we could have done for public schools would have been to turn down that nomination, but this Chamber said: Boy, you know, we are going to do everything we can to damage public education.

Many of us stood up against that and said: No, let's fight for someone who can make public education better, not tear it down. But that is not what we got.

Now we have another individual to be considered on the floor of the Senate, Bill Wehrum. Bill Wehrum was nominated to head EPA's Office of Air and Radiation. Bill Wehrum has made a career out of working for powerful special interests and attacking any effort to make the air cleaner. Is that a person suitable for this role of protecting the air we breathe and making it better, someone who has sought to make it worse?

During the nomination hearing, I put up a very simple chart. I wanted to understand his thoughts about what was driving climate disruption. I put up a chart showing what NASA data showed for the solar impact, solar flares, and so forth, about which sometimes people say: Well, maybe it is solar flares that are causing the warming of the planet. NASA had data that showed a flat line on that and then a rising temperature.

I said: Is there any sign of correlation between these two lines?

His response was: Well, what do you mean? It is correlation.

He didn't have any understanding of the basics of how to compare one thing to another.

I put up another chart. The other chart showed all of the activities that are considered to be ones that might contribute to global warming, that are not manmade activities, things like the solar flares and volcanic activity. Again, the NASA data showed a flat line and the rising temperature.

I said: Does there appear to be any correlation between this flat line and this rise in temperature?

He again said: I just don't understand the data. I can't really comment on that.

Yet anyone with any basic ability to digest information would recognize that there was no correlation. You didn't have two things moving in the same direction.

Then I put up this chart right here. This chart shows that same temperature, observe the black line, and then it shows the line for rising carbon dioxide. I said: Well, are these things correlated?

Do you see any relationship between one line rising and the other line rising?

Again, he refused to answer.

How is it that we can put someone into a position who cannot even look at and comment on basic data, who has been a hired hand for the fossil fuel industry, who has fought to make our air filthier and more damaging to our health?

That is the nominee we have, a nominee who has sued on behalf of very powerful interests—the EPA, 31 times—to try to degrade the controls for things like mercury, which is a potent neurotoxin that damages the brains of, particularly, our children. Why should we have somebody who wants more mercury in our air in this position to consider air quality? It, certainly, does not make any sense to me.

He did have a chance to serve in this position, in an acting capacity, back in 2006. So he has been there before. He adopted guidelines on mercury emissions that had entire passages lifted word for word from information that had been provided by the industry. The industry did not want to regulate the mercury, and he just took its language and said that that is what we will do, that we will do what industry says. He was not working for the American people. He was working for the powerful and the privileged.

Then he told an EPA staffer ''not to undertake the normal scientific and economic studies'' when crafting important rules. He instructed his staff not to look at the scientific information when constructing rules. What did he want them to look at? He wanted them to just take the language from industry. That is certainly not protecting the public interest. As the New York Times wrote, he has sought to ''elevate corporate interests above those of the public.''

This is not a position in a company. This is not a position in a corporation. This is a position of public trust. He has failed that test. In fact, he has failed it so badly that, although he was nominated in 2006 when there was a Republican majority in this Chamber, his nomination was subsequently rejected by the Senate. Back then, we had folks who really, actually cared on both sides of the aisle far more about air quality. Now it seems like the enormous amount of funding from the Koch brothers for campaigns across the country has squelched any consideration from my colleagues about the quality of the air or the quality of our water. This nomination is, certainly, a test of that.

If my colleagues do care about the quality of our air, they will act like their predecessors did back in 2006, and they will reject this nomination. An individual who has betrayed the public trust should not be confirmed to a position of public trust.

Thank you.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. PERDUE). Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, November 9, 2017, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 8, 2017:

NATIONAL LABOR RELATIONS BOARD

PETER B. ROBB, OF VERMONT, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS.

DEPARTMENT OF VETERANS AFFAIRS

MELISSA SUE GLYNN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (ENTERPRISE INTEGRATION).

CHERYL L. MASON, OF VIRGINIA, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS.

RANDY REEVES, OF MISSISSIPPI, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

EXTENSIONS OF REMARKS

HONORING DONALD E. ROSPERT, OHIO VETERANS HALL OF FAME INDUCTEE

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. JORDAN. Mr. Speaker, the Ohio Veterans Hall of Fame will hold a ceremony in Dublin on November 9 to mark the induction of its 2017 class. I am honored to commend to the House one of these inductees: Donald E. Rospert of Bellevue.

A graduate of Norwalk's St. Paul High School and of Bowling Green State University, Mr. Rospert is a Marine Corps veteran of the Vietnam War. He speaks regularly at area schools to share his experiences in Vietnam and instruct students on proper flag etiquette and display. He also participates in the color guard during Bellevue High School's home football games.

He and his brother, Kenn, cofounded the Wounded Soldiers Fund in 2005 to help local families with loved ones injured in Iraq or Afghanistan. The fund has aided more than a dozen area families.

Donn and Kenn also designed, created, and secured funding for Bellevue's Fallen Soldiers Memorial, and were instrumental in bringing The Wall That Heals (a traveling replica of the Vietnam Veterans Memorial) to Bellevue for display this year.

Mr. Rospert takes great pride in the work of the local branch of Big Brothers and Big Sisters of America, with which he was affiliated for nearly two decades. He personally mentored several local youths and remains in contact with one to this day.

Mr. Speaker, selection for the Hall of Fame is a high honor accorded to no more than 20 Ohioans each year. To be considered for induction, individuals must not only serve the nation honorably in the military but also reflect the high value of service to others in their post-military careers.

I am pleased to join in the accolades for Mr. Donald E. Rospert and his outstanding record of service as he is inducted into the Ohio Veterans Hall of Fame.

HONORING THE SERVICE OF THE JERIKOVSKY BROTHERS

HON. JASON LEWIS

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. LEWIS of Minnesota. Mr. Speaker, I rise today to recognize the service of the Jerikovsky brothers of South Saint Paul, Minnesota. These nine brothers, the sons of Jacob and Stephania Jerikovsky, served bravely in the United States' Armed Forces during World War II and the Korean War, all of them returning home safely to their family.

Emil, Nick, Jacob Jr., William, Robert, Earl, Edward, George, and Richard Jerikovsky all have the distinction of being a part of a remarkable feat in U.S. military history. It is unprecedented to have nine siblings from one family serve our country in the United States' Armed Forces, and this feat speaks to their family's patriotism and selflessness.

These nine first generation Americans were all proud members of VFW Post No. 295 in South Saint Paul, Minnesota. The Jerikovsky brothers have made a positive impact on our community, state, and country, and we are fortunate to have such selfless citizens who make sacrifices to protect our freedoms.

I know that the Jerikovsky brothers' legacy of service to country and fellow man will inspire all Minnesotans and Americans.

ASIAN AMERICAN MEDICAL ASSOCIATION 41ST ANNUAL GALA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. VISCLOSKY. Mr. Speaker, it is with sincere admiration that I recognize the Asian American Medical Association, which hosts its 41st Annual Gala on Saturday, November 11, 2017, at Avalon Manor in Merrillville, Indiana. Each year, the Asian American Medical Association pays tribute to prominent, outstanding citizens and organizations for their contributions to the community. In recognition of their efforts, these honorees are awarded the prestigious Crystal Globe Award.

The Asian American Medical Association has been a tremendous asset to Northwest Indiana. Its members have dedicated themselves to providing quality medical services to the residents of Northwest Indiana and have served their communities through many cultural, scholastic, and charitable endeavors.

At this year's Annual Gala, the Asian American Medical Association will present the Crystal Globe Award to one of Northwest Indiana's finest citizens, Mr. Joseph Costanza. Mr. Costanza began practicing law after graduating from the Northwestern University School of Law in 1961. Throughout his illustrious career, Mr. Costanza has served as counsel for many organizations including the East Chicago Economic Development and Redevelopment Commissions, East Chicago Parks Department, Ogden Dunes Parks Department, and the former American Trust and Savings Bank of Whiting, Indiana. Mr. Costanza also served as special counsel for the Town of Ogden Dunes and as general counsel for the former First National Bank of East Chicago, Indiana.

Mr. Costanza has volunteered much of his time and efforts to numerous charitable and civic organizations throughout the region, including Calumet College of Saint Joseph, the East Chicago Chamber of Commerce, Saint Catherine Hospital, the Community Foundation of Northwest Indiana, the Indiana Historical Society, and the East Chicago Urban Enterprise Academy, to name a few. For his lifetime of dedication to the community of Northwest Indiana, Joseph is worthy of the highest praise.

Joseph's commitment to the community and his career is exceeded only by his devotion to his amazing family. He and his beloved wife, Aurelia, have four children, eight grandchildren, and two great-grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the members of the Asian American Medical Association, as well as this year's Crystal Globe Award recipient, Mr. Joseph Costanza. For his devotion to his remarkable career and his outstanding service to the community of Northwest Indiana and beyond, Joseph is most deserving of the honor bestowed upon him and serves as an inspiration to us all.

OPPOSING H.R. 2936, THE RESILIENT FEDERAL FORESTS ACT

HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. BONAMICI. Mr. Speaker, I rise today in opposition to H.R. 2936, the Resilient Federal Forests Act of 2017. The fire season this year was devastating in Oregon and across the west. It destroyed forestland, reduced air quality, and left a lasting mark on our communities. Congress must increase funding for wildfire suppression and fire prevention actions on public lands. At the same time, Congress can and must do this while maintaining foundational environmental laws. I cannot support this bill because it undermines the bedrock science-based decision-making processes undertaken by land management agencies, and would make it more difficult for states to receive federal funding for wildfire disasters.

I strongly support provisions in the bill that would find new and innovative ways to use wood as a building material for tall wood buildings. Cross-laminated timber and other innovative wood products create sustainable building materials, generate more value from timber harvests, and translate into more jobs in rural Oregon and around the country.

This legislation does not do enough to help communities fund wildfire suppression. It includes a process that would slow local access to much-needed funds, and it calculates funding without regard to true wildfire disaster needs. I joined my colleague, Congressman SCHRADER, in submitting an amendment that would address these problems and increase available funding for wildfire suppression. Unfortunately, the amendment was not accepted for floor consideration by the Rules Committee.

I have heard from counties, families, teachers, and school administrators in forest counties in my district who have told me they will

face great hardship if they do not receive the Secure Rural Schools payments they are owed. The last authorized Secure Rural Schools payment was distributed in FY 2016. Earlier this year, I joined my colleague Congresswoman CATHY MCMORRIS RODGERS in introducing bipartisan legislation to reauthorize the program through FY 2017. I am frustrated the majority did not use this opportunity to reauthorize the Secure Rural Schools program and provide certainty to the forest counties who rely on these funds to educate students.

I am also concerned that this bill limits public participation in the management of public lands. It reduces the consideration of forest management alternatives to two options—action or no action. It creates overly broad exclusions for projects to skirt environmental review under the National Environmental Policy Act and the Endangered Species Act. In addition, it reduces opportunities for the public to engage meaningfully in these decisions. As a former consumer protection attorney, I am concerned about the inclusion of an arbitration pilot program that would force many challenges to federal forest management decisions to go through an agency-run arbitration process instead of through the judicial system.

We must manage our federal forests better, but we can do so without including these harmful provisions. I urge my colleagues to come back to the table and develop a more appropriate and effective solution.

RECOGNIZING THE RACHEL CARSON COUNCIL'S ''BLAST ZONE'' REPORT

HON. JAMIE RASKIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. RASKIN. Mr. Speaker, I rise today to recognize the important work of the Rachel Carson Council (RCC). Based in Bethesda, Maryland, the RCC seeks to honor and promote the environmental ethic of former Silver Spring resident Rachel Carson by linking environmental, health, and social policy solutions ''with the goal of building a more just, sustainable, and peaceful future.''

The RCC has documented the political and economic forces propelling the Atlantic Coast Pipeline, while suggesting safer alternative solutions to build a clean and reliable energy portfolio. The Atlantic Coast Pipeline is a proposed $5.5 billion, 600-mile project to move the supply of natural gas fractured from the Marcellus and Utica Shale Basins in Ohio, West Virginia, and Pennsylvania to meet growing energy demand in Virginia and North Carolina.

The RCC recently released a comprehensive report entitled, ''Blast Zone: Natural Gas and the Atlantic Coast Pipeline.'' This report highlights the dangers of transporting natural gas and the underlying problems with existing natural gas fracturing methods, and it also questions the demand impetus for the project itself. Moreover, the report outlines serious attendant environmental and health risks, which they allege disproportionately affect minority communities and people living below the poverty line. For example, the RCC notes that in North Carolina, 30 out of 42 census tracts within one mile of the pipeline route have higher minority levels, and 27 out of 42 tracts have higher poverty levels than the state average.

Natural gas has been touted as a bridge fuel, but RCC argues that methane leakage rates range from 3.8 percent to 12 percent, with methane nearly 100 times more effective at trapping heat in Earth's atmosphere over a 20-year lifecycle. With the methane leakage factored into an environmental analysis, RCC concludes that natural gas is even worse for the climate than coal, with a leakage rate of above 3.2 percent.

The dangers of natural gas extraction and transportation were vividly illustrated by California's Aliso Canyon disaster, which spewed 100,000 tons of methane into the atmosphere over a four-month period from 2015 into 2016. Unexpected earthquakes in Oklahoma have been attributed to fracking wastewater disposal practices, a bizarre development which calls the lifecycle of the process' ecological benefits into greater question.

Mr. Speaker, it is becoming impossible to ignore the imminent peril posed by natural gas extraction and transportation. I urge my colleagues to review the well-researched ''Blast Zone'' report produced by the RCC, and to come together across party lines to develop energy efficient policies that will protect our environment, our economy, and our collective future.

HONORING ROBERT L. SKEWES FOR HIS SERVICE TO THE NATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to honor Mr. Robert Skewes upon his retirement from 48½ years of honorable service to the United States Coast Guard, and this great nation.

Mr. Skewes has served as the Chief, Office of Work-Life, within the Coast Guard's Health, Safety, and Work-Life Directorate, under the direction of the Assistant Commandant of Human Resources. In this role he established work-life policy and interpreted program standards for Coast Guard-wide implementation of a myriad of individual and family support services. These services included health promotion, food services, employee assistance, critical incident stress management, transition relocation assistance, personal financial management, adoption reimbursement, child and elder care, special needs for family members, family advocacy, addiction and substance abuse prevention, and sexual assault prevention including response.

Mr. Skewes is a 1973 graduate of the United States Coast Guard Academy. He began his Coast Guard career as an Engineering Officer and Damage Control Assistant aboard the USCG Cutter Hamilton in Boston, Massachusetts. Following a tour at the Coast Guard Headquarters Office of Research and Development, and postgraduate training at the University of Michigan, he was assigned to the Third Coast Guard District Merchant Marine Technical Branch at Governor's Island, New York, where he reviewed commercial vessel plans and specifications. In 1983, he was assigned to the Marine Inspection Office in New Orleans, Louisiana, where he served as a Marine Inspector and Investigator, Administrative Officer, and Training Officer. From 1987 to 1990, Mr. Skewes was an instructor and Assistant Chief, Marine Safety Schools, at the Reserve Training Center in Yorktown, Virginia, where he was instrumental in the development and review of all marine safety program resident training. He served as the Executive Officer of the Marine Safety Office in Providence, RI, from 1990 to 1993, and as the Commanding Officer of the Marine Safety Office in Milwaukee, Wisconsin, from 1993 to 1995. From 1995 to 1999, as the Chief of the Office of Operating and Environmental Standards at Coast Guard Headquarters, Mr. Skewes was responsible for coordinating the development of international and domestic standards for personnel, vessels, facilities, hazardous materials, and environmental issues, and the activities of five industry Federal Advisory Committees. From 1999 to 2003, he served as the Chief, Office of Work-Life, the same position he currently holds. In July 2003, Mr. Skewes retired as a Captain following a 30-year career in the Coast Guard. From July 2003 to June 2007, he served as the Chief, Shore Safety Division within the Office of Safety and Environmental Health, at Coast Guard Headquarters, where he managed programs that focused on the safety concerns of personnel and their dependents that work and live at Coast Guard shore facilities as well as related safety concerns of personnel assigned to afloat units and aviation facilities. In this capacity, he provided oversight for a myriad of programs including risk management, emergency preparedness and response (including occupant emergency plans), traffic safety (including motor vehicles, motorcycles and trailering), fire prevention and safety, recreational safety, personal risk management and systems safety. Mr. Skewes has a Masters Degree in Mechanical Engineering, and a Masters Degree in Naval Architecture and Marine Engineering, from the University of Michigan. He also has a Bachelor's Degree in Ocean Science from the U.S. Coast Guard Academy.

RECOGNIZING THE 75TH ANNIVERSARY OF MAYPORT

HON. JOHN H. RUTHERFORD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. RUTHERFORD. Mr. Speaker, I rise today to honor Naval Station Mayport as it marks 75 years of service to the United States Navy and our nation. This base was born of necessity during World War II and has served the United States Navy and our country almost continuously since. Today, it is one of the Navy's most valued and utilized military bases and is the country's third-largest naval surface fleet concentration area in the United States.

In April 1939, hearing that the Navy was looking to establish an aircraft carrier base on the East Coast of the United States, citizens of Duval County promised to purchase the land that would become home to Naval Station Mayport and give it to the Navy. In July of that year they passed a bond that enabled them to solidify the purchase. In December

1939, the Mayport area was selected for the new base.

Lt. Commander Maynard R. Sanders assumed command of the new U.S. Navy Base in October 1940. Construction began immediately and Building 1, the Administration Building, was opened on Nov. 4, 1941. Although the plans for Mayport being a carrier base were put on hold, the base became a vital crash and patrol boat training facility.

When the war began in earnest, the Atlantic Fleet was dispersed leaving the shipping lanes along the East Coast vulnerable to attack from German submarines. The Porgy Patrol, named after the foul-smelling porgy fertilizer processing plant in the Village of Mayport, went on constant patrol hoping to spot submarines and reporting those findings to the radio tower so aircraft could be launched. Then, on April 10, 1942, with citizens watching from the shore in Ponte Vedra, the S.S. Gulf of America was sunk by the German U-boat U–123. Once again, the civilian population stepped up and the Porgy Patrols expanded to include shrimp boats, trawlers and yachts, which were converted by the Gibbs Shipyard, now BAE Systems.

The marine side of the base with its protected harbor was commissioned as Naval Station Mayport in December 1942. On April!, 1944, Mayport's air facility, the Admiral David L. McDonald Field, was commissioned as Naval Auxiliary Air Station (NAAS). After the war, both the marine base and the airfield were decommissioned. The United States Coast took over the base and operated small boot camps until 1947. Because its location is so pivotal, less than a year later Naval Station Mayport was reactivated, and within three years, its land area was expanded and its runway extended. Several name changes occurred over the years and during the Cold War, Mayport became the East Coast home for the Light Airborne Multi-Purpose System (LAMPS) squadrons and in 1988 the base was re-designated as a naval air station.

Naval Station Mayport began teeming with life once again. Investments continued and growth in land area, activities and command importance enhanced its value. As Mayport expanded, it began to accommodate more ships and sailors with their families. Its role was crucial during the Cuban Missile Crisis, providing logistical support as well as an advanced staging area for the Second Marine Division. The base has also received visits from Presidents Nixon and Reagan.

The first carrier to be stationed at Mayport was the USS *Tarawa* (CVS–40) and the last carrier to call Mayport home was the USS *John F Kennedy* (CV–67) was decommissioned on March 23, 2007. The Navy continues to entertain the idea of Mayport as a second carrier site on the East Coast but funding is not available.

Today, Naval Station Mayport has undergone major developments in technology, services and infrastructure, making it well positioned to act at a moment's notice. The station's protected harbor can accommodate 34 ships and its runway is capable of handling most aircraft in the military's inventory. It is host to the Navy's United States Fourth Fleet, and is home to the USS *Iwo Jima*, the USS *New York* and the USS *Fort McHenry*. On November 7, 2014, Naval Station Mayport became the East Coast home port for the Navy's newest ships, the littoral combat ships. Mayport has become an asset not just to Northeast Florida, but to country.

I salute the 75th Anniversary of Naval Station Mayport, which continues to be a major employer and economic stimulator. More importantly, its personnel continue to contribute through their hard work and dedication to the important missions of our nation's defense. Naval Station Mayport has a long history of supporting both the local community and the country and will continue to do so for years to come. I rise today to congratulate them on 75 successful years and hope Mayport sailors continue to keep their home anchors in Northeast Florida.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. GRANGER. Mr. Speaker, I was unable to make votes. Had I been present, I would have voted YEA on Roll Call No. 607; YEA on Roll Call No. 608; and YEA on Roll Call No. 609.

TRIBUTE TO ALEX THOMSEN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Alex Thomsen of Underwood High School for winning the Class 1A, 126 pound bracket at the Iowa High School State Wrestling tournament earlier this year.

Iowa has a long and proud history of strong wrestling programs, producing college and Olympic champions for years. Winning two state championships in a row is the culmination of years of hard work and commitment, not only on the part of Alex, but also his parents, his family and coaches.

Mr. Speaker, the example set by Alex demonstrates the rewards of hard work, dedication, and perseverance. I am honored to represent him and his family in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating Alex on competing in this rigorous competition and in wishing him nothing but continued success.

PERSONAL EXPLANATION

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. HUDSON. Mr. Speaker, I was unable to vote on this day because I was attending the memorial service for the 3rd Special Forces Group soldiers who were recently killed in action while serving in Niger.

Had I been present, I would have voted yea on Roll Call No. 610, 611; nay on Roll Call No. 612, 613; yea on Roll Call No. 614, and 615.

TRIBUTE TO PAUL OREFFICE, FORMER CHAIRMAN OF THE BOARD OF THE DOW CHEMICAL COMPANY

HON. JOHN R. MOOLENAAR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. MOOLENAAR. Mr. Speaker, I rise today to pay tribute to Paul Oreffice, the former Chairman of the Board of The Dow Chemical Company, upon his 90th birthday.

Paul was born in Venice, Italy and came to the United States with his family when he was 17 years old. He went on to attend Purdue University and graduated with a Bachelor's Degree in Chemical Engineering in 1949. After serving in the U.S. Army during the Korean conflict, Paul began his career at Dow Chemical in Midland, Michigan.

Following international assignments in Switzerland, Italy, Brazil and Spain, Paul became the first president of Dow Chemical Latin America in Coral Gables, Florida, in 1970. In 1971, he was elected as a member of the Board of Directors, and later as president of Dow Chemical U.S.A. in August 1975. Paul was named president and CEO of The Dow Chemical Company in May 1978 and chairman in May 1986.

As a humanitarian, Paul received the Encomienda del Merito Civil (Order of Civil Merit) in 1966 from the government of Spain and in 1978 he was honored with the title ''Grand Ufficiale'' by the Italian government. Paul is the first person to receive both the Société de Chimie Industrielle's Palladium medal and SCI America's Chemical Industry medal, which he received in 1981 and 1983, respectively.

Paul has been especially helpful in giving back to Michigan's Fourth Congressional District through his intentional engagement of the community. His involvement in bringing the Midland Soccer Club and the Greater Midland Tennis Center to life has not only provided opportunities for the local youth to come together to be active within the community, but also brings tourism to the area through tournaments and other events. Paul's involvement in philanthropy touches not only the Midland community, but reaches across the country as he is a Trustee of the Rollin M. Gerstacker Foundation, served as a Senior Member of the MD Anderson Cancer Center Visitors Board, and he served as Chairman of the Board of the Parkinson's Foundation from 2003 to 2007. His strategic thinking and continued contributions have greatly impacted families across the district and the country.

On behalf of the Fourth Congressional District of Michigan, I am honored today to recognize Paul Oreffice for his lifetime of work in chemical engineering and for his commitment to the Midland Community.

PERSONAL EXPLANATION

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. WILSON of Florida. Mr. Speaker, I was not present for the following votes because I

was in my congressional district tending to urgent business. Had I been present, I would have voted in the following manner:

YEA on Roll Call No. 605; NAY on Roll Call No. 606; YEA on Roll Call No. 607; YEA on Roll Call No. 608; YEA on Roll Call No. 609; NAY on Roll Call No. 610; NAY on Roll Call No. 611; and NAY on Roll Call No. 612.

HONORING PETE CIARROCCHI AND CHICKIE'S AND PETE'S CRAB HOUSE AND SPORTS BAR

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor my friend Pete Ciarrocchi, Chairman and CEO of the world famous Chickie's & Pete's Crab House and Sports Bar. Since 1977, Chickie's & Pete's locations have been rightfully called the best sports bars in Philadelphia. So none of us were surprised when they were voted ESPN's No. 1 Sports Bar on the East Coast.

Every Philadelphian knows that Chickie's & Pete's and Philly sports go hand in hand. The only thing better than pre-game, post-game or game watching at the restaurant is enjoying their food at the stadium. And of course, you can't leave without an order of Pete's world famous Crabfries®.

But Mr. Speaker, Pete Ciarrocchi is more than a successful businessman. He's one of Philadelphia's finest citizens. He is one of the owners of the three time Arena Bowl champion Philadelphia Soul Arena Football Team. He is also one of our leading philanthropists serving on the Aria Health Foundation Board of Trustees and on the Holy Family University Business Advisory Board. Pete is a Mummer, who is active with The Polish-American String Band.

But most importantly, Pete is a proud husband and father. His lovely wife Lisa and three sons Peter, Blaise, and Anthony are his first loves and the foundation on which the rest of his world is built.

Mr. Speaker, I ask that all of my colleagues join me in honoring Pete Ciarrocchi and Chickie's & Pete's Crab House and Sports Bar as they celebrate their 40th Anniversary tonight.

TRIBUTE TO MARY SCONIERS-CHAPMAN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to congratulate and recognize Mary Sconiers-Chapman, community leader and retired higher education administrator, for being named a 2017 Women of Influence honoree by the award-winning central Iowa publication, Business Record.

For 18 years, the Business Record has undertaken an exhaustive annual review to identify a standout group of women who have made a significant difference in business, civic and philanthropic endeavours throughout the Greater Des Moines Area.

After receiving a degree in elementary education from Drake University in Des Moines, Iowa, Mary began a long successful career educating our future generations. She immediately began teaching after graduation and worked her way up to principal in the Des Moines Public School system. As her passion for education continued to grow, Mary decided that working in higher education was next and became executive dean of Des Moines Area Community College (DMACC), ultimately retiring in 2013 as the vice president of strategic partnerships after 23 years with the school. While Mary is a dedicated educator, she is also passionate about service to her community. She was instrumental in the creation of the Evelyn K. Davis Center for Working Families that focuses on assisting individuals and families in finding jobs, educational opportunities, and job training.

Mr. Speaker, it is a profound honor to represent community leaders like Mary in the United States Congress and it is with great pride that I recognize and applaud her for utilizing her talents to better both her community, and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Mary on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing Mary nothing but the best.

RECOGNIZING THE SERVICE OF MR. RICHARD VOUTOUR

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. McGOVERN. Mr. Speaker, today I rise to recognize the service of Mr. Richard Voutour. Rick is a United States Marine Corps veteran, and he has served for over a decade as a friend and advocate of the veterans of Massachusetts as a distinguished Veterans' Service Officer.

Rick was born on January 7, 1963, in Webster, Massachusetts. He entered the Marine Corps at age 18 and completed training at Parris Island, South Carolina and Camp Pendleton, California.

Throughout his distinguished career, Rick has consistently received recognition for his exemplary service to our nation, including: the Meritorious Service Medal, the Navy and Marine Corps Commendation Medal, Navy and Marine Corps Achievement Medal with one star, the Navy Unit Commendation, and the Meritorious Unit Commendation.

Mr. Speaker, this alone would be an impressive list of achievements that deserves our respect and gratitude. But after 23 years of service in the Marine Corps, in places as far away as Djibouti, Valetta, and Amman, Rick decided to return home to Massachusetts and serve his nation in a new way as the Director of Veteran Services for Leominster, Massachusetts.

In his 13 years as a Veterans Service Officer, Rick has helped countless veterans and their families throughout Central Massachusetts obtain the benefits and services that they deserve. From obtaining military record and medals—to assisting with medical care and benefits, every veteran that walks into Rick's office is treated with the dignity and respect he or she deserves. There are thousands of veterans in Massachusetts right now whose lives have been changed for the better by Rick. His dedication to improving the lives of veterans serves as an inspiration to me and an example for our community.

But don't just take my word for it, Mr. Speaker. Many others have seen Rick's steadfast advocacy for veterans and his dogged determination to assist those who have sacrificed so much to proudly serve this country. Just this year, Rick was named Veterans Service Officer of the Year by Massachusetts Secretary of Veterans Services, Francisco Ureña.

Mr. Speaker, on behalf of the United States Congress and of the people of Massachusetts, I would like to thank and recognize Mr. Richard Voutour for his service to our country, and for his work every day to improve the lives of veterans in Massachusetts.

CONGRATULATING CHRISTIAN D. SEARCY AND STEVEN L. DANIELS

HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to congratulate Christian D. Searcy and Steven L. Daniels for receiving the 2017 Anti-Defamation League's (ADL) Palm Beach Jurisprudence Award. This award acknowledges those individuals who have made outstanding contributions to the legal profession as well as the community in which they live. I have had the honor of knowing both these gentleman for many years and commend their worthy recognition.

Christian D. Searcy is President and CEO of Searcy Denney Scarola Barnhart & Shipley, P.A. For 43 years, he has litigated cases primarily involving catastrophic injury and death in venues throughout Florida, as well as other states. He has been honored numerous times for his exceptional advocacy and extraordinary contributions to the cause of justice. He is well known for his generous contributions to many non-profit organizations committed to helping the disabled, improving education, and advancing community causes.

Steven Daniels has played a significant role in the South Florida Jewish community since the 1980s. He has been an integral member of the local and national ADL leadership. Steven has also served as President of Temple Beth El in West Palm Beach as well as the Jewish Community Center of the Palm Beaches. He has earned the ''Super Lawyer'' distinction from Florida Trend magazine, and is currently the managing partner for the West Palm Beach and Boca Raton offices of Saul Ewing Arnstein & Lehr.

Christian Searcy and Steven Daniels share the distinction of excellence in their profession and the advancement of fairness and justice in the community, the founding principles of the ADL.

I congratulate and thank them both.

TRIBUTE TO DIANA DEIBLER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to congratulate and recognize Diana Deibler for being named a 2017 Women of Influence honoree by the award-winning central Iowa publication, Business Record.

For 18 years, the Business Record has undertaken an exhaustive annual review to identify a standout group of women who have made a significant difference in business, civic and philanthropic endeavours throughout the Greater Des Moines Area.

Diana has spent her life utilizing the work ethic instilled upon her at an early age after growing up on her family's farm in Donnellson, Iowa. She dreamed of being a television anchor but found herself going down a different path as a broadcast reporter and producer. Later, she used the skills and experience she gained in the news business to have a successful career in marketing and consulting. Her success allowed her to also dedicate her time and talents to the Des Moines community, serving nine years on the board of Mercy Medical Center, and nine years on the Mercy College of Health Sciences board.

Mr. Speaker, it is a profound honor to represent leaders like Diana in the United States Congress and it is with great pride that I recognize and applaud her for utilizing her talents to better both her community, and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Diana on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing Diana nothing but continued success.

VA MANAGEMENT ALIGNMENT ACT OF 2017

SPEECH OF

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in support of H.R. 1066, the VA Management Alignment Act.

The men and women who have bravely served our country in uniform deserve the peace of mind that the VA will work for them—not against them.

Over the past few years, our nation's veterans have too often experienced outrageous wait times, long lines, and mismanagement at VA facilities across the country. In the wake of these scandals, the members of this body have passed multiple bills aimed to right these wrongs and improve VA functions. Unfortunately, we hear far too often of problems continuing to plague the halls of VA medical facilities.

The VA Management Alignment Act directs the Secretary of the VA to report to Congress the steps the Department will take to ensure that the organizational structure of the VA is both efficient and effective.

Supported by groups including the American Legion and the American Federation of Government Employees, this bill seeks to chart a meaningful path forward to better serve those who put their lives on the line to serve us. It is integral that the VA make clear the steps it will take to ensure that our nation's veterans have access to the quality, timely care that they deserve.

I urge my colleagues to support this legislation, and I thank veterans across the country for their service.

PERSONAL EXPLANATION

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. WILSON of Florida. Mr. Speaker, I was not present for the following votes because I chose to remain in my congressional district in Miami for safety reasons due to serious threats I received.

Had I been present, I would have voted in the following manner: YEA on Roll Call No. 569; YEA on Roll Call No. 570; YEA on Roll Call No. 571; NAY on Roll Call No. 572; NAY on Roll Call No. 573; YEA on Roll Call No. 574; YEA on Roll Call No. 575; YEA on Roll Call No. 576; YEA on Roll Call No. 577; YEA on Roll Call No. 578; YEA on Roll Call No. 579; NAY on Roll Call No. 580; YEA on Roll Call No.581; NAY on Roll Call No. 582; NAY on Roll Call No. 583; NAY on Roll Call No. 584; YEA on Roll Call No. 585; YEA on Roll Call No. 586; YEA on Roll Call No. 587; NAY on Roll Call No. 588; NAY on Roll Call No. 589; and YEA on Roll Call No. 590.

STAND FOR SOMETHING

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. SESSIONS. Mr. Speaker, I include in the RECORD a poem, on behalf of Albert Carey Caswell, to honor the men and women and families of The Armed Forces, for their selfless service to our Nation on this upcoming Veteran's Day.

And over the many years
All in our Nation clear,
Has been one constant here
The men and women of The Armed Forces who hold our Nation dear
Whose valor, honor, courage, faith, selflessness, and sacrifice perseveres
While, in the darkest of days of night they all stood without fear
Who at a moment's notice into the face of hell would so appear,
All so we can all he here
This Veteran's Day stand for something, because they stood for you
The ones who fought and bled for all that's true
And stand for that old Red, White, and Blue
All in what they would do
Ready to die for their brothers and sisters in arms to their left and right so true
And remember what all of their families must go through
On this Veteran's Day, please remember our Nation's real who's who
Stand for something because they stand for you
When, in the darkness of war comes into view
Teaching us all how men and women of honor behave so true
Who came home without arms, legs, and scars upon their face
But, for the greater good they gave
Stand,
Stand for something noble,
Because they all stood so you can live the American Dream
While, over the generations so rose to the top America's Dream
Honor all those who fight the fight,
Who today still stand at the ready on this very night,
Who turn the dark into the light
Stand, for those on the battlefields of honor who watched their Brothers and Sisters die,
And had to bury them all with tears in their eyes,
Stand, on this Veteran's Day and every day,
For The Armed Forces, their families, and the ones who gave
Stand, because where would we all be?
If it were but not for the likes of all of these who stood for you and me
Stand, because freedom is not free
But, only bought and paid for by all of he defenders of the free
Stand, because they live and they die for you,
They bleed and they cry for you
All so you can turn your back on them,
And they don't ask you how you caught your disease
Stand for our Veteran's on this Veteran's Day and everyday
For what they give and gave
Because, it's all they ask.

JAN PLATT

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. CASTOR of Florida. Mr. Speaker, I rise today to celebrate the life of Jan Platt and to honor her legacy for the Tampa Bay community. She will always be remembered as an environmental pioneer, champion for "ethics in government" and inspiration for her selfless service.

Born in St. Petersburg, Jan lived in Tampa for most of her life and grew up with a love for Tampa Bay and its natural environment. She graduated from Hillsborough High School in 1954 and earned a degree in political science from Florida State University, where she graduated Phi Beta Kappa, in 1958. During college, she was President of the Student Senate, Student Body Vice President, and even recognized amongst her peers as the "Most Outstanding Senior Woman" in her graduating class. After graduating she began her career as a schoolteacher and taught at both Hillsborough and Plant High Schools before finally being elected to serve on the City of Tampa's City Council in 1974. Four years later, she was elected to Hillsborough County's Board of County Commission, where she proudly served for 24 years.

Jan served her community in countless ways. She established the Agency on Bay Management, the Tampa Bay Estuary Program and the Environmental Lands Acquisition and Protection Program. She led as the President of the Suncoast Girl Scout Council and the Hillsborough County Head Start Community Foundation INC. Jan endowed a scholarship in honor of her sister, Bobbie Lou, at the

Florida State University College of Music. She was also an active member of the Friends of the Library. Because of her support for libraries, in her honor, the Tampa-Hillsborough County Public Library named one of their branches, the ''Jan Kaminis Platt Regional Library''.

Additionally, Jan was the recipient of the University of South Florida's Women in Leadership and Philanthropy Lifetime Achievement Award, recipient of the Hillsborough County Bar Association's Liberty Bell Award, and she was inducted into the Hillsborough County's Women's Hall of Fame in 2012.

I was honored to serve alongside Jan during my time on Hillsborough County's Board of County Commission. She was an inspiration to me and many others throughout her career in elected office. A passionate leader, Jan's love of the environment led her to devote herself to protect and preserve our community's natural resources.

Jan Platt inspired me to be a better public servant. She was honest, ethical and loved our Tampa community—from the waters of Tampa Bay to the pristine, wooded areas she worked to protect. Throughout her career serving our community, even in times of great change in local governing bodies, Jan was steadfast in her leadership and it was a great honor to learn from her and know her. I hope her commitment to ethics in government will inspire another generation of passionate leaders to serve.

Mr. Speaker, on behalf of the citizens of our Tampa Bay community, I am proud to honor the life of Jan Platt and pay tribute to her outstanding contributions to the Tampa community. Jan is survived by her husband Bill, son Kevin, his wife Michele and granddaughter Emma. She leaves an indelible legacy for future generations to enjoy our bay and its waters the same way she did.

TRIBUTE TO JENNIE BARANCZYK

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jennie Baranczyk, head coach of Drake University's women's basketball team, for being named a 2017 Women of Influence honoree by the award-winning central Iowa publication, Business Record.

For 18 years, the Business Record has undertaken an exhaustive annual review to identify a standout group of women who have made a significant difference in business, civic and philanthropic endeavours throughout the Greater Des Moines Area.

Jennie is no stranger to success. During her time as a member of the women's basketball team at the University of Iowa she was named First Team All-Big Ten in 2003. Her outstanding athletics accomplishments early on in her career have translated into her new role as the head coach of Drake University's women's basketball team. In her first year as head coach, Jennie was given a team that finished with a record of 11–20 the prior year. Her unyielding commitment to excellence and hard work have turned the fortunes of the basketball program around, finishing last season 28–5, champions of the Missouri Valley Conference, and making an appearance in the NCAA Basketball Tournament.

Mr. Speaker, it is an honor to represent leaders like Jennie in the United States Congress and it is with great pride that I recognize and applaud her for utilizing her talents to better both her team, her community and the great state of Iowa. I ask that my colleagues in the United States House of Representatives join me in congratulating Jennie on receiving this esteemed designation, thanking those at Business Record for their great work, and wishing Jennie a long and successful career.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI SOLDIER ARMY STAFF SERGEANT (SSG) BRIAN LEE FREEMAN

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army Staff Sergeant (SSG) Brian Lee Freeman who paid the ultimate sacrifice while defending our great nation on November 7, 2005, during Operation Iraqi Freedom. SSG Freeman was killed when a vehicle-borne improvised explosive device detonated near his dismounted patrol in Baghdad. Also killed were First Lieutenant (1LT) Justin S. Smith, Specialist (SPC) Robert C. Pope, II, and Private First Class (PFC) Marion A. Reyes. SSG Freeman was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colorado.

SSG Freeman, a Caledonia, Mississippi native, enlisted in the U.S. Army in 1997. Pat Freeman, SSG Freeman's mother, said her son was married to his wife, Leah for 14 months. According to the Associated Press, Mrs. Freeman said prayers from family and friends helped them through a difficult time. ''The Army has been very kind to us and helped us through this bad time in our lives,'' she said. ''We know Brian is in a better place and we will see him again someday. We call him our angel now.''

A scholarship was established in his memory of SSG Freeman at Caledonia High School. Twelve scholarships have been awarded over the years. Bill Lawrence, the former mayor of Caledonia, recently said that SSG Freeman's late father, Glen Freeman, worked hard to build support for the development of the Veterans Memorial, located at the Ola J. Pickett Park. The family also donated an American flag and flagpole to the facility. The memorial includes two battle crosses—one for SSG Freeman and one for Staff Sergeant (SSG) Jeffrey Dayton, a Caledonia High School graduate who was killed in Iraq in 2004.

At the time of his son's death, Mr. Freeman told the Associated Press that SSG Freeman meant everything to the family. ''This boy was a hero. Our son was everything to us. People don't realize what it is to lose a child,'' he stated. Mrs. Freeman said SSG Freeman demonstrated bravery and courage as a soldier. She said her son saved the life of their unit's medic who he talked out of riding with them in the Humvee on the day of the incident. SSG Freeman told the medic that he may be needed if something happened to them.

The funeral for SSG Freeman was held at the Lowndes Funeral Home in Columbus. SSG Freeman was laid to rest at Rowan Cemetery in Caledonia, Mississippi.

SSG Freeman is survived by his mother, Pat Freeman; his wife, Leah; her son, Bradley Thomas; his sister, Lisa Nichols; his uncle, Rick Merryman; his aunt, Karen Merryman; his brother-in-law, Ronnie Christian; and his sister-in-law, Linda Christian.

SSG Freeman's service and sacrifice to protect America will not be forgotten.

IN REMEMBRANCE OF MRS. VELORIS ''JEAN'' WILLIAMS-EDWARDS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to pay tribute to a great woman and sincere friend, Veloris ''Jean'' Williams-Edwards. Jean passed away on October 29, 2017. Funeral services will be held at Mount Calvary Baptist Church in Alexandria, Virginia on Saturday, November 11, 2017 at 11:00 a.m.

A native of Wooten's Crossroads, North Carolina, Jean was born to George T. and Lacy Ann (Mott) Williams, as the fourth of eight children. A product of the Greene County School System, she graduated from Greene County Training School in 1959. She went on to attend North Carolina Agriculture and Technical State University (NC A&T) where she earned a Bachelor of Science degree in Special Education. After earning her Bachelor's degree, she earned a Masters of Arts in Teaching from the University of Maryland.

In 1964, she married the love of her life, Leon Edwards, and they built a life that was based on the love of God, the love of each other, the love of family and the love of people. They knew that the love of these could lead one to a close and fulfilling relationship with God because they are an embodiment of His greatest commandments: to love Him with all your ''heart, mind and soul'' and to ''love thy neighbor as thyself.''

Jean's passion for education persisted during her professional career as a teacher, a vocational development specialist and a transition coordinator, where she taught her students to be of service to others. After her career in education, she went on launch a dress shop, work as a promoter for various events, and work alongside her husband at Edwards Trucking Company (which evolved in to a productive transportation company), before becoming a staff assistant in the office of former Speaker of the House, Newt Gingrich. The treasured relationships she developed and the exciting daily operations of the Office of the Speaker made her experience on Capitol Hill beneficial.

Maya Angelou once said, ''A great soul serves everyone all the time. A great soul never dies.'' Jean was undoubtedly great because of her devotion to her work, and the compassion she showed for her friends and loved ones.

On a personal note, Jean became a trusted friend on Capitol Hill. I was truly blessed by

her friendship as I started my congressional career. Her advice, counsel and assistance were invaluable.

Jean was preceded in death by her siblings; Gerald Lee Williams, Marjorie (Daisy) Williams, George Earl (Bob) Williams, and Melvin (BoBo) Williams.

She is survived by her husband of 53 years, Leon A. Edwards; her son, Reginald Edwards (Sherry); her daughter, Tiena Edwards; two sisters, Dorothy Clark (Washington, D.C.); Sabrina Hickman (Greenville, NC); two grandchildren, Reggie (Chaz), and Miesha; two great-grandchildren, Miayah-Joy Keith and Somer-Hope Keith; two God-children, Julia Chaney (Winston) and Malika Taylor-Phillips; and a host of relatives and friends.

Mr. Speaker, I ask my colleagues in the House to join my wife, Vivian, and me in extending our deepest sympathies to Jean's family and friends during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks, and months ahead.

TRIBUTE TO ZACH BARNES

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Zach Barnes of Southeast Polk High School for winning the Class 3A, 145 pound bracket at the Iowa High School State Wrestling tournament earlier this year.

Iowa has a long and proud history of strong wrestling programs, producing college and Olympic champions for years. Winning state championships is the culmination of years of hard work and commitment, not only on the part of Zach, but also his parents, his family, coaches and fellow teammates.

Mr. Speaker, the example set by Zach demonstrates the rewards of dedication, and perseverance. I am proud to represent him and his family in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating Zach on competing in this rigorous competition and in wishing him nothing but continued success.

PERSONAL EXPLANATION

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mrs. BUSTOS. Mr. Speaker, on the Legislative Day of November 7, 2017, a series of votes were held. Had I been present for the first of these roll call votes, I would have cast the following vote:

Roll Call 613—I vote YES.

VETERAN URGENT ACCESS TO MENTAL HEALTHCARE ACT

SPEECH OF

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in support of H.R. 918, the Veteran Urgent Access to Mental Healthcare Act.

As Veterans Day approaches, we remember the debt of gratitude we owe our nation's veterans, who have sacrificed greatly to protect our freedoms.

Tragically, about 11 to 20 out of every 100 veterans who served in Operations Iraqi Freedom or Enduring Freedom have PTSD in a given year. As researchers work diligently to understand the increase in veteran suicides—now at a troubling 22 veterans per day—it is important to understand that service-related mental stress is not limited to veterans who receive honorable discharges.

The Army has released at least 22,000 combat veterans diagnosed with mental health conditions or traumatic brain injuries since 2009 for alleged misconduct—meaning that many who have served in uniform may fall through the VA's cracks as they attempt to access mental health services.

The Veteran Urgent Access to Mental Healthcare Act recognizes this issue and expands the boundaries of mental health care covered by the VA to better serve those who serve us—including those with PTSD that affects their service.

The lack of access to mental health care remains an unfortunate reality for too many veterans. This bill would extend a helping hand to combat veterans struggling with the effects that their service has on their mental health. It would ensure that a population at a high-risk for suicide receives the care and support its men and women deserve.

I urge my colleagues to support this legislation, and I thank veterans across the country for their service.

CELEBRATING THE 25TH ANNIVERSARY OF THE KEWEENAW NATIONAL HISTORICAL PARK

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. BERGMAN. Mr. Speaker, it is my honor to recognize the Keweenaw National Historical Park upon the occasion of its 25th Anniversary. Through committed preservation and community engagement, the Keweenaw National Historical Park has become an indispensable part of Northern Michigan.

For over 7,000 years, the Keweenaw area has been a source of natural resources and cultural enrichment. Native peoples first utilized its easily accessible and workable copper to create tools and items for trade. Later, copper became the center of growing industries and cosmopolitan communities in the Keweenaw. This rich history is preserved through the hard work of the rangers and volunteers at the Keweenaw National Historical Park.

The celebration of the park's anniversary is the perfect recognition of efforts to preserve our history, culture, and beautiful landscapes. Today, the park continues to raise the bar of innovation through programs and partnerships with state and local governments, private businesses, and nonprofit organizations. Its steadfast work has helped give the people of the Keweenaw Peninsula and all of the Upper Peninsula a sense of unity and common heritage.

Mr. Speaker, I congratulate the Keweenaw National Historical Park for its 25 years of success and community investment. Michiganders can take immense pride in knowing that the First District is home to such an important institution of historical, cultural, and environmental preservation. On behalf of my constituents, I wish the Keweenaw National Historical Park all the best in its future endeavors.

COMMENDING THE PRESIDENT ON GRIFFIN NOMINATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. ADERHOLT. Mr. Speaker, I would like to commend President Trump for nominating Michael D. Griffin to be Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics (USD/ATL).

There is a saying that a person was made for a certain job. In the case of Dr. Griffin, this is true.

We currently have a convergence of space and national security factors which are matched only by a handful of circumstances in the past.

I am thinking of Russia placing Sputnik in space, and President Kennedy refusing to accept missiles in Cuba, and of President Reagan's placement of Pershing missiles in Europe and starting the SDI, or Strategic Defense Initiative Office.

With the nomination of Mike Griffin, we have a person with the experience of working in SDI yet also being the initiator of new ideas, such as the commercial cargo resupply program for NASA's ISS (International Space Station).

For this particular job at the Pentagon, that is what we need—a person who knows how to utilize best practices of the past, combined with the openness and boldness to recommend to the Secretary of Defense the decisive actions which will keep America pre-eminent in technology, and give America the edge, when and if we must engage in armed conflict.

Dr. Griffin holds degrees from six separate universities, his management experience in business and as former Administrator at NASA, as well as his work serving as a professor and as a consultant on Department of Defense review panels such as the Mitchell Commission (rocket launch engines), all prepare him well for this assignment and for the rising challenges facing our military around the world.

After his confirmation, I look forward to working with him and the rest of our Department of Defense to help provide what is necessary for our national security.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI ARMY NATIONAL GUARD SPECIALIST (SPC) JAMES ANDERSON CHANCE, III

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Mississippi Army National Guard Specialist (SPC) James Anderson Chance, III, who paid the ultimate sacrifice while defending our nation on November 6, 2003, during Operation Iraqi Freedom. SPC Chance was killed when his vehicle struck a landmine in Husaybah, Iraq. SPC Chance was assigned to C Company, 890th Engineer Battalion, Army National Guard, based in Columbia, Mississippi.

According to the Associated Press, SPC Chance volunteered to lead his convoy. He did not want his comrades to risk their lives if they had spouses or children. SPC Chance, a Kokomo, Mississippi native, was close to his parents, James and Patricia Ann Chance. Allen Chance, SPC Chance's brother, said he always lived close to his parents so he could look after them. ''He was worried and he was trying to get it where he could come home for a few days to see her,'' Allen said. Mrs. Chance recently said her son was a good man who always made her laugh.

SPC Chance was remembered in a post on a memorial website. ''SPC Chance, a true soldier, never complained, and moved out at a moment's notice,'' First Lieutenant (ILT) Robert Enochs of Saucier, Mississippi wrote. ''Thanks for your love, dedication, and sacrifice for our country. I wish there were many more like you. We love and miss you dearly. We will never forget you.''

SPC Chance joined the U.S. Army in 1997 after he graduated from Kokomo High School. He served one tour of duty in the Army. In 2002, he joined the Mississippi Army National Guard to pursue higher education opportunities.

A memorial service was held for SPC Chance at the Kokomo United Methodist Church which is located across the street from his childhood home. He was laid to rest at the Kokomo Community Cemetery.

SPC Chance is survived by his mother, Patricia Ann Chance; his brother, John Allen Chance; and his nephew, Samuel Chance.

SPC Chance will always be remembered for the sacrifice he made to protect America. He made his family and our nation proud.

TRIBUTE TO ROBERT THOMPSON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Robert Thompson, of Afton, Iowa, for receiving the 2017 East Union's Military Service Recognition Award.

The Afton Star Enterprise reported that ''Robert Thompson was a 1957 Afton High School graduate who enlisted in the U.S. Army, serving from 1957 to 1979. He had two assignment periods in Viet Nam during the Viet Nam War, and while there received two Bronze Star Awards and a Silver Star for his action in combat and a Purple Heart for a combat-related injury.'' In addition to his service in Vietnam, Robert was stationed in other locations, like Iceland and Panama, before returning home to Afton with his family. He retired from the Army in 1979.

Mr. Speaker, I'm proud to represent Iowans like Robert in the United States Congress and it is with great pride that I recognize him today. I ask that my colleagues in the United States House of Representatives join me in congratulating Robert for receiving this outstanding designation and in wishing him nothing but the best.

RECOGNIZING BILL STANLEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. COURTNEY. Mr. Speaker, I rise today to congratulate my dear friend Mr. Bill Stanley on being named this year's William Crawford Distinguished Service Award winner by the Chamber of Commerce of Eastern Connecticut.

A native of Norwich, CT, Bill began his outstanding public service career in journalism, writing for local publications like the Norwich Bulletin and the New London Day. He then transitioned to government, working briefly as a campaign press secretary for Governor O'Neill before spending the next six years at Rome, Frankel & Kennelly. In 1996, Bill became Director of Corporate Communications for the William W. Backus Hospital in Norwich, where he worked until 1999. He currently serves as vice president of Development and Community Relations at Lawrence + Memorial Hospital. On a personal note, I have known Bill since my days as a rookie state legislator at the Connecticut General Assembly. He is deeply involved in the politics and community of his beloved Southeastern Connecticut, willing to throw himself into any cause that improves the region. Although passionate in his beliefs, he is a true gentleman and respectful of any and all people he interacts with, which is a lot.

Throughout his full and prestigious career, Bill has always found time to volunteer for numerous causes across Eastern CT. Currently he is Board Chairman of his alma mater's foundation, the Three Rivers Community College Foundation. He also sits on the United Way of Southeastern Connecticut's board of directors. Bill served nearly 20 years on the board of directors for the Chamber of Commerce of Eastern Connecticut, including two terms as chairman. He previously served as chairman of the New London Redevelopment Agency and was a board member at St. Jude Common and the USS Connecticut Commissioning Committee. From 1996 to 1999, he was Chairman of the American Heart Association's Southeastern Connecticut Heart Walk and continues to serve on its Executive Leadership Team.

Mr. Speaker, please join me in congratulating my dear friend Bill on receiving this noble recognition. May others always look to him for a great example of leadership and service.

TRIBUTE TO DIWALI

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. ROKITA. Mr. Speaker, I rise today to acknowledge and celebrate the 50th anniversary of the India Association of Indianapolis (IAI). The IAI is a non-profit organization that unites Indian-Americans located in the central Indiana area. It has become a vital cultural bridge between Indian-Hoosiers and the community.

The IAI was founded in 1968 by fifteen families living in the Indianapolis area. Today, the IAI has a membership that exceeds 2,000 families and continues to climb. There are over 30,000 Indian-Americans living in the Indiana. The IAI has been a valuable voice for all Indian-Hoosiers and has increased understanding of India, Indian people, and Indian culture in central Indiana.

The mission of the IAI is to promote the cultural activities of India, to foster cultural exchange between people of India and the USA, and to carry out educational and charitable activities. Over the course of the last 50 years, the IAI has performed its mission admirably and has enriched the community immeasurably. It has played a crucial role to protecting, preserving, and promoting Indian traditions and has showcased the beauty of India to the Indianapolis community.

Whether it's the annual Diwali celebration, the Holi Festival, the yearly marking of India's independence, or a cricket game meant to foster friendship between the Indian and Pakistani-American community, the IAI has been a constant force of goodwill in Central Indiana. The IAI has grown exponentially since it was founded and is destined to do bigger and better things in the future. Indiana is lucky to have such an organization in its midst and I acknowledge the IAI, its leadership, and all its members.

Mr. Speaker, on the occasion of its 50th anniversary, I would like to salute the India Association of Indianapolis.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI SOLDIER SERGEANT (SGT) COURTLAND ANSHUN KENNARD

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Army (SGT) Sergeant Courtland Anshun Kennard who paid the ultimate sacrifice while defending our great nation on November 9, 2006, during Operation Iraqi Freedom. SGT Kennard was killed when an improvised explosive device detonated near his vehicle in Baghdad, Iraq. Also killed was Staff Sergeant (SSG) Gregory W.G. McCoy of Webberville, Michigan. SGT Kennard was assigned to the 410th Military Police Company, 720th Military Police Battalion, 89th Military Police Brigade, Fort Hood, Texas.

Retired Army Sergeant (SGT) Douglas Kennard, SGT Kennard's father, recently said his son grew up living on military bases in the United States and Germany. SGT Kennard graduated from General H.H. Arnold High School in Weisbaden, Germany in 2002. SGT Kennard followed in his father's footsteps when he enlisted in the U.S. Army in 2003. ''He wanted to join the Army,'' Mr. Kennard said. ''I am extremely proud of him. I was always proud of him.''

Pamela Pleasant, SGT Kennard's aunt, said she was always proud of her nephew. ''He was an awesome kid,'' Mrs. Pleasant said. ''He had a smile that would light up a room. He was so humble. I miss him terribly.''

SGT Kennard was remembered by a fellow soldier on a memorial website. ''I will always remember your smile, Kennard,'' Sergeant (SGT) Michele Martin wrote. ''He is a very special person and a soldier. He was always there for his fellow comrades. When you were down, his smile always cheered you up. I will always cherish Kennard in my heart and always remember the great sacrifice he took for this great nation and his family to be free.''

A funeral was held for SGT Kennard at Mount Pelier Missionary Baptist Church in Starkville, Mississippi. SGT Kennard was laid to rest at Memorial Garden Park, which is located near Mississippi State University in Starkville.

SGT Kennard is survived by his parents, Douglas and Darlene Kennard; his brother, Jamahl Kennard; and his aunt, Pamela Pleasant.

SGT Kennard gave his life to protect our nation. His service will always be remembered.

HONORING RONALD JOHNSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. LEE. Mr. Speaker, I rise today to honor the longstanding career of Ronald Johnson, a fearless leader for more than three decades in the fight against HIV/AIDS. His leadership spans numerous esteemed organizations and agencies including the Gay Men's Health Crisis, Minority Task Force on AIDS, City of New York, Presidential Advisory Council, AIDS Action, and United AIDS from which he is now retiring.

Following the Stonewall Uprising in 1969, the gay community of New York City witnessed the rising swell of the HIV/AIDS epidemic. Throughout the 1980's, the number of AIDS-related deaths climbed higher each year. In 1981, amidst widespread fear and uncertainty, Dr. Lawrence Mass and Larry Kramer founded the first New York City nonprofit devoted to HIV and AIDS awareness, testing, education, advocacy, and prevention. They called it the Gay Men's Health Crisis (GMHC).

Mr. Johnson began volunteering with GMHC in 1984, while continuing his service as the Assistant Executive Director of the University Settlement, a nonprofit social service program that assisted immigrants and low-income families with fulfilling their health, education, and housing needs. After volunteering for a few years, Mr. Johnson was invited to join the GMHC's Board of Directors.

Mr. Johnson served as Executive Director of the Minority Task Force on AIDS and in 1992 was appointed the Citywide Coordinator for AIDS Policy for the City of New York. Known for being both forceful and persuasive yet guided by facts, Mr. Johnson helped the city develop a comprehensive strategy for stemming the HIV/AIDS epidemic through proactive education, prevention, and treatment. He strengthened the city's AIDS hotline and testing programs, needle-exchange program, and housing and medical care services for AIDS patients.

By 1996, Mr. Johnson was rewarded for his efforts as he witnessed a sharp decline in New York City's HIV and AIDS-related deaths. His programs were working and he had the data to prove it. He later joined the Presidential Advisory Council on HIV/AIDS, where he helped design the policy thinking and best practices for the President's Emergency Plans for AIDS Relief (PEPFAR).

Today, on behalf of California's 13th Congressional District, I am honored to commend Ronald Johnson for his long career advocating for the prevention and treatment of HIV and AIDS. His service and devotion has saved lives, inspired hope, and made this world a remarkably safer and better place.

HONOR THE LIFE OF GREG WOOD

HON. STEPHANIE N. MURPHY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mrs. MURPHY of Florida. Mr. Speaker, I rise to honor the life of one of my constituents, Greg Wood, who passed away on October 14, 2017, at the age of 70.

In tribute to Greg, who served in the United States Marine Corps and was wounded in action during the Vietnam War, my office arranged for an American flag to be flown over the U.S. Capitol. I am so glad that our country raised the flag in Greg's honor, because Greg did so much to support and defend this country. Greg fought to protect the fundamental freedoms that our flag represents.

This Saturday is Veterans Day, when our nation pauses to express gratitude to all those who honorably served, both living and departed. The day before, I will attend a ceremony at the Park Maitland School in Orlando, where we will formally present the flag to Greg's widow, Donna. Donna was kind enough to talk to my office about her late husband, about what mattered most to him, and about how he lived his life.

Greg was many things—a Texan at heart despite spending most of his life in the Sunshine State; a well-educated man who earned a master's degree in finance; an adventure-seeker who once rode his motorcycle from the United States all the way down to Panama; a respected commercial real estate broker; a sports lover; a fisherman and a hunter; and a pillar of our central Florida community.

But, as Donna made crystal clear, Greg was—above all—a U.S. Marine and a family man. These two roles defined him. They were the core of who he was. They gave his life purpose and meaning.

In a speech that he delivered many years ago to members of the Marine Corps, President Ronald Reagan said: ''Some people spend an entire lifetime wondering if they made a difference in the world. But the Marines don't have that problem.''

Greg volunteered to serve in the Marine Corps in March 1966, when he was only 18 years old. After basic training, Greg was sent to Vietnam, where he served as a forward observer—directing artillery fire onto enemy targets. Working as a forward observer, especially in Vietnam, was an exceptionally dangerous job.

The Marines are famous for their bravery, discipline and toughness. Greg was a Marine's Marine—respected and even revered by his brothers in arms for his courage and commitment. Despite his youth, Greg was a natural leader of men. They followed him, and they trusted him. Some even thought he might be invincible, and did not want to go out on patrols unless Greg was going with them.

Friendships forged in war are uniquely deep and intense. Greg lost many good friends in Vietnam—and, as Donna tells us, he carried these losses with him for the remainder of his life. On some days, the memories haunted Greg, and he struggled with feelings of sadness and guilt. Like any warrior who has seen his fellow warriors fall, Greg naturally asked himself: ''Why them and not me?''

Physically, as well as psychologically, Greg did not leave Vietnam unscathed. One fateful day, while out on a mission, he was shot and critically wounded—earning a Purple Heart. When Greg awoke hours later in a military hospital, a priest was administering his last rites. Although he survived, doctors told him he was unlikely to live past age 35. In a sense, then, Greg's entire life was one big case of beating the odds.

After being honorably discharged from the Marines, Greg was determined to become successful professionally and personally—in part to honor his fallen comrades who never had the chance to build a career or a family of their own. As Donna told us, nearly everything that Greg did later in life was shaped by his formative experience in Vietnam, whether for better or for worse.

One of Greg's daughters, Kristina, told me that her father loved war movies, but they always made him cry. It is clear that Greg had complex feelings about war itself, but that he cherished the American soldiers, sailors, airmen and—of course—Marines who fought these wars. It didn't matter whether they served in World War II, Korea, Vietnam, Afghanistan, or Iraq. He felt a sacred bond with all of them.

In addition to his military family, of course, Greg treasured his own family—which includes Donna, four children, and eight grandchildren. By all accounts, he was a loving husband and father, who coached Little League, served as a Boy Scout leader, and did all the big things and little things that great dads do.

So, I hope Greg has been reunited with the friends he lost in Vietnam. I hope he is happy and at peace. And I hope he knows how much his life mattered to his family and to the country he so nobly served.

TRIBUTE TO McGWIRE MIDKIFF

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate McGwire

Midkiff of Carter Lake, Iowa for winning the Class 3A, 126-pound bracket at the Iowa High School State Wrestling tournament earlier this year. McGwire is a student at Thomas Jefferson High School in Council Bluffs, Iowa.

Iowa has a long and proud history of strong wrestling programs in our state, producing college and Olympic champions for years. Winning a state championship is the culmination of years of hard work and commitment, not only on the part of McGwire, but his family and coaches, as well.

Mr. Speaker, the example set by McGwire demonstrates the rewards of hard work, dedication, and perseverance. I am honored to represent him and his family in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating McGwire on competing in this rigorous competition and in wishing him nothing but continued success in his education and his wrestling career.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF THE CITY OF PACIFICA

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Ms. SPEIER. Mr. Speaker, I rise to honor Pacifica, California, a sea-sprayed city in my district blessed by salty breezes, soaring shorebirds and the collective smile of residents that rivals in intensity the warmth of the sun itself. On November 22, 2017, Pacifica is a spritely 60 years old.

Residents love this town, and there's no doubt as to why. The views of the Pacific Ocean are spectacular, the shoreline is captivating. If you wish to stroll through the sand and to hunt for seashells, bring your children to the beach and spend a few hours listening to the waves and gazing at the gulls overhead or the snowy plover nearby, Pacifica is the place to be.

Although sunshine is the predominant feature of Pacifica, fog occasionally arrives. Well, actually, more than occasionally. But it is quiet and serene in Pacifica when fog shrouds the shore and the mountains.

For hundreds of years, Pacifica was home to a village of the Ohlone tribe. Pacifica's creeks and ample supply of fish and nuts fed generations. These residents lived in balance with nature, thriving on the ocean side of the San Francisco Peninsula and trading with other villages on the bay side.

The Spanish explorer Don Gaspar de Portolà arrived in 1769 and climbed the mountain behind Pacifica to a point now known as Sweeney Ridge. From that point, Portolà was the first European to discover the existence of San Francisco Bay. In the next decades, thousands followed, leading to the establishment of Mission Delores and the creation of early San Francisco. Pacifica fed San Francisco from crops planted throughout the San Pedro Valley. In 1839, a Mexican land grant to Don Francisco Sanchez was made and it almost exactly matched the boundaries of modern-day Pacifica.

While much of modern-day Pacifica might be unrecognizable to the Ohlone or to Don Francisco Sanchez, one characteristic of those early times would easily be recognized: families. Both in the distant past and today, Pacifica teems with families. The school district is highly regarded and has over 3,000 students from grades K through 8. Parents from biotech companies and other global corporations drive a few extra miles to work every day so that they may live in a community with quality schools and a web of soccer teams and gymnastics programs that allow children to thrive amidst friends. The annual family-friendly Pacifica Fog Fest draws tens of thousands from throughout the Bay Area to enjoy the sun, music, a hometown parade, and all of the cheese and nachos needed to earn a mother's scorn.

Civic life in Pacifica is energetic, to say the least. In recent years, the city has completed such notable projects as the undergrounding of utilities, the creation of a dog park, the commencement of a parking program at state beaches, improvements to the senior/community center, protection of environmental resources around the creeks and on the beaches, and numerous other public improvements that augment Pacifica's natural splendor.

The city's leadership is as strong today as ever, and it meets the challenges of modern governance head on. For example, City government illustrates its love-hate relationship with Mother Nature by joyfully paying to protect the snowy plover's nesting areas while scrambling to pay to prevent the erosion of bluffs to the beaches below. The council knows that if you walk along the beach near Pedro Point, you're probably walking on the sand that once existed as the bluff, a few miles north, that supports Esplanade Boulevard. Such is the duty of leadership in Pacifica where a councilmember must pay to maintain infrastructure in the coin of the realm while delivering sand and refurbished habitats for endangered species for free to the ultimate administrator of Pacifica's fate: Mother Nature.

Congratulations to the City of Pacifica upon 60 years of formal incorporation, from November 22, 1957 to the present. From tail fins on cars to shark fins in the ocean, the city has done well for itself. With its loving population and visionary leadership, there are many more adventures to come for this little place by the sea that 39,000 call home and celebrate as a place to embrace life, family and neighbors.

CELEBRATING THE 50TH ANNIVERSARY OF THE NORTHWESTERN MICHIGAN COLLEGE AVIATION PROGRAM

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. BERGMAN. Mr. Speaker, it's my honor to recognize the Northwestern Michigan College Aviation Program upon the occasion of its 50th Anniversary. Through innovation, passion, and dedication, NMC Aviation has become an indispensable part of Northern Michigan.

Founded in 1967, NMC Aviation came from small beginnings with three planes and five instructors. In just 50 years, it has grown to be one of the most respected aviation programs in the country. Today, they continue to raise the bar of innovation through ground-breaking courses and program partnerships with Michigan high schools and colleges across the world. Its instructors have real life experience, and its students have access to exceptional training and resources.

As a commercial pilot of 22 years, I know the great need for quality pilots in our global economy, as well as the dedication and skill this profession requires. NMC Aviation has proven itself to be one of the best institutions of its kind at training the next generation of pilots.

Mr. Speaker, it's my honor to congratulate the NMC Aviation Program for its 50 years of success and community investment. Michiganders can take immense pride in knowing that the First District is home to this outstanding institution. On behalf of my constituents, I wish the Northwestern Michigan College Aviation Program all the best in its future endeavors.

TRIBUTE TO WILLIAM K. ''BILL'' MCALLISTER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Bill McAllister of Clarinda, Iowa who recently retired from the Page County Sheriff's Department with 37 years of service in law enforcement.

Bill's service to our country began as a member of the United States Army Military Police. He later began his career in law enforcement in 1980 with the Nebraska City, Nebraska Police Department, as well as graduating from the Nebraska Law Enforcement Training Center. He joined the Clarinda Police Department in 1982 as a patrolman and was eventually promoted to Sergeant. Bill graduated from the Iowa Law Enforcement Academy and was awarded the 1987 Silver Star for Bravery from the American Police Hall of Fame. He was selected Outstanding Officer by the Clarinda Optimist Club in 1997, and that year, joined the Page County Sheriff's Department as a Deputy Sheriff.

Page County Sheriff Lyle Palmer said, ''Bill earned numerous certificates and attended classes every year to continue his knowledge of law enforcement. Bill had the ability to read people and he was a great benefit to the Sheriff's Department. He served the citizens of Page County with dignity and honor.''

Mr. Speaker, I'm proud to represent community leaders like Bill in the United States Congress and it is with great pride that I recognize him today. I ask that my colleagues in the United States House of Representatives join me in congratulating Bill for this outstanding achievement and in wishing him nothing but the best in his retirement.

HONORING THE LIFE OF VIRGIL HANKS

HON. JODY B. HICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. JODY B. HICE of Georgia. Mr. Speaker, I rise today to honor the life and legacy of one

of my constituents and an American hero, Corporal Virgil Hanks. Corporal Hanks passed away last week at the age of 96, just a few days before Veterans Day.

Corporal Hanks joined the United States Army Air Corps in 1942 and was honorably discharged from the military at the end of World War II following four years of service. In 2015, in his hometown of Social Circle, Georgia, I had the distinct honor of presenting Corporal Hanks with a certificate of Congressional Recognition and a World War II Victory Medal for his valuable and selfless contribution to our Nation's wartime efforts.

Virgil Hanks will be remembered as an incredibly kind and humble man, dedicated to his late wife, siblings, and children, whom he loved fiercely. His legacy of service survives to this day throughout Georgia's 10th Congressional District, and he will be buried at the Georgia National Cemetery with his other brothers and sisters in arms.

Mr. Speaker, I ask my colleagues to join me in a moment of silence to honor the life of Corporal Virgil Hanks, a hero who deserves the respect of all Americans and will be sorely missed by so many in the community.

CELEBRATING THE 100TH ANNIVERSARY OF HONOR BANK

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. BERGMAN. Mr. Speaker, it's my honor to recognize Honor Bank upon the occasion of its 100th Anniversary. Through its trusted services, reliable staff, and community engagement, Honor Bank has become an indispensable part of Northern Michigan.

Founded in 1917 as Honor State Bank, just $20,000 in capital and a determined staff built the bank into the community institution it is today. Over the course of 100 years, Honor Bank forged its path to success through World Wars and financial crises, all while maintaining its commitment to the community it was built upon. Today, the bank's capital has grown, yet it still promotes its ideals of independent community banking.

The bank's Honor Code of integrity, hard work, responsibility, teamwork, and reliability is illustrated through its Giving Back to our Communities program. During each month of this year's anniversary celebrations, Honor Bank is highlighting the work of a local non-profit agency chosen by the bank's employees. Through this Agency Spotlight, customers and employees are encouraged to donate needed items, and employees volunteer on average 100 minutes per month to the selected agency. These charities have included the Betsie Valley District Library, Michigan Blood, and the Benzie Food Pantry. Honor Bank continues to set a positive example of what can be achieved when a company is built around a community.

Mr. Speaker, it's my honor to congratulate Honor Bank and its staff for 100 years of success, service, and community investments. Michiganders can take great pride in knowing the First District is home to such dedicated citizens. On behalf of my constituents, I wish Honor Bank all the best in its future endeavors.

TRIBUTE TO BLUE STAR MOTHERS

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. ROKITA. Mr. Speaker, I rise today to recognize and salute Blue Star Mothers in honor of Military Family Appreciation Month. Blue Star Mothers are mothers, stepmothers, grandmothers, foster mothers and female legal guardians who have children serving in the military, Guard or Reserve, or who are veterans. These women provide support for the service members that make up our military, the veterans on the homefront, and the families of our service members and veterans.

The Blue Star Mothers started in the United States 75 years ago during World War II in Flint, Michigan. On January 22, 1942, the Flint News Advertiser printed a coupon asking mothers of servicemen to return the coupon after filling it out. The following February, 300 mothers came together for their first meeting and decided to form a permanent organization. They started working in hospitals and train stations, packed care packages for soldiers, and became a working part of homeland security during times of war.

Today, Blue Star Mothers have a presence in 40 states consisting of almost 300 chapters nationwide. In the State of Indiana, we have seven chapters that I would like to recognize directly. These chapters are the Blue Star Mothers of Indiana out of Monticello, the Blue Star Hoosier Mothers out of Crawfordsville, the North Central Indiana Blue Star Mothers out of Kokomo, the St. Joe Valley Blue Star Mothers out of South Bend, the Fort Wayne Area Blue Star Mothers out of Fort Wayne, the Hoosier Heartland Blue Star Mothers out of Kokomo, and the Indy Blue Star Mothers out of Indianapolis. Each of these groups has had an incredible impact on our community and on the Hoosier service members and their families.

These women know what it means to serve our country. They live it each and every day. It is with their help and strength that we are able to have the greatest military the world has ever seen. Behind each of our heroes, both at home and abroad, you will likely find a Blue Star Mother providing them the support, encouragement, and courage they need to fight our foes. Mr. Speaker, we need more Americans like the Blue Star Mothers.

TRIBUTE TO MARTIN ALDRICH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Martin Aldrich of Clarinda, Iowa for being selected as the 2016–17 Educator of the Year by Schmitt Music Company. The Schmitt Music Company operates music stores in 7 Midwest states, offering help to over 13,000 students per year with music lessons, and employing nearly 400 people, many who are professional musicians. They are dedicated to recognizing teachers who go above and beyond in their musical careers.

Martin is the Band Director at Clarinda Middle School in Clarinda, Iowa. He has served in that position since 2003. A graduate of Morningside College and the University of Kansas, he serves as the Southwest Iowa Bandmaster's Association representative for middle school affairs and has served as district president of the Southwest Iowa Bandmaster's Association. He also fills a leadership role in the Journey of Excellence Mentor Program for first year teachers and is a member of the District Leadership Team, which focuses on teacher professional development activities for visual arts, music, and physical education.

Mr. Speaker, I applaud and congratulate Martin for earning this award. He is an excellent example of how hard work and dedication can affect the future of our youth and their education. I ask that my colleagues in the United States House of Representatives join me in congratulating Martin for this outstanding recognition and in wishing him nothing but continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 9, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 14

9:30 a.m.

Committee on Energy and Natural Resources

To hold an oversight hearing to examine hurricane recovery efforts in Puerto Rico and the United States Virgin Islands.

SD–366

10 a.m.

Committee on Armed Services

To hold hearings to examine the nominations of Anthony Kurta, of Montana, to be a Principal Deputy Under Secretary, and James E. McPherson, of Virginia, to be General Counsel of the Department of the Army, both of the Department of Defense, and Gregory E. Maggs, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.

SD–G50

Committee on Environment and Public Works
Subcommittee on Clean Air and Nuclear Safety
To hold hearings to examine S. 1857, to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces, S. 203, to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, S. 839, to allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such rule, and S. 1934, to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices.
SD–406

Committee on Foreign Relations
Business meeting to consider S. 1928, to establish a review of United States multilateral aid, and the nomination of Eric M. Ueland, of Oregon, to be an Under Secretary of State (Management); to be immediately followed by a hearing to examine the authority to order the use of nuclear weapons.
SD–419

Committee on Health, Education, Labor, and Pensions
To hold hearings to examine gene editing technology, focusing on innovation and impact.
SD–430

Committee on the Judiciary
To hold hearings to examine firearm accessory regulation and enforcing Federal and state reporting to the National Instant Criminal Background Check System (NICS).
SD–226

2:30 p.m.
Committee on Commerce, Science, and Transportation
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security
To hold hearings to examine technology in agriculture, focusing on data-driven farming.
SR–253

Committee on Foreign Relations
Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy
To hold hearings to examine American leadership in the Asia-Pacific, focusing on the view from Beijing.
SD–419

NOVEMBER 15

9 a.m.
Committee on Energy and Natural Resources
Business meeting to consider, pursuant to H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018, reconciliation legislation to authorize the Secretary of the Interior to establish and administer a competitive oil and gas program in the non-wilderness portion of the Arctic National Wildlife Refuge, known as the ''1002 Area'' or Coastal Plain.
SD–366

9:30 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the victims of Turkey's failing rule of law.
SD–124

10 a.m.
Committee on Environment and Public Works
To hold hearings to examine promoting American leadership in reducing air emissions through innovation.
SD–406

Committee on Health, Education, Labor, and Pensions
To hold hearings to examine encouraging healthy communities, focusing on perspective from the Surgeon General.
SD–430

Committee on the Judiciary
To hold hearings to examine the nominations of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit, Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit, Claria Horn Boom, to be United States District Judge for the Eastern and Western Districts of Kentucky, John W. Broomes, to be United States District Judge for the District of Kansas, Rebecca Grady Jennings, to be United States District Judge for the Western District of Kentucky, and Robert Earl Wier, to be United States District Judge for the Eastern District of Kentucky.
SD–226

2 p.m.
Committee on Foreign Relations
Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues
To hold hearings to examine attacks on United States diplomats in Cuba, focusing on response and oversight.
SD–419

2:30 p.m.
Committee on Appropriations
Subcommittee on Military Construction and Veterans Affairs, and Related Agencies
To hold hearings to examine Department of Veterans Affairs efforts to prevent and combat opioid overmedication.
SD–124

Committee on Health, Education, Labor, and Pensions
To hold hearings to examine the nominations of Mitchell Zais, of South Carolina, to be Deputy Secretary, James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, and Timothy Kelly, of Michigan, to be Assistant Secretary for Career, Technical, and Adult Education, all of the Department of Education, and Kate S. O'Scannlain, of Maryland, to be Solicitor, and Preston Rutledge, of the District of Columbia, to be an Assistant Secretary, both of the Department of Labor.
SD–430

Committee on the Judiciary
Subcommittee on Antitrust, Competition Policy and Consumer Rights
To hold hearings to examine the consumer welfare standard in antitrust.
SD–226

NOVEMBER 16

10 a.m.
Committee on Armed Services
To hold hearings to examine the nominations of John C. Rood, of Arizona, to be Under Secretary for Policy, and Randall G. Schriver, of Virginia, to be an Assistant Secretary, both of the Department of Defense.
SD–G50

Committee on Foreign Relations
To receive a closed briefing on new counterterrorism guidance.
SVC–217

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7071–S7123

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 2094–2106, and S. Res. 324–325. **Pages S7109–10**

Measures Reported:

S. 873, to amend section 8433 of title 5, United States Code, to provide for flexibility in making withdrawals from the Thrift Savings Fund, with an amendment. (S. Rept. No. 115–183)

H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States. (S. Rept. No. 115–184) **Page S7109**

Measures Passed:

National Diabetes Heart Health Awareness Day: Senate agreed to S. Res. 324, designating November 9, 2017, as ''National Diabetes Heart Health Awareness Day'', coinciding with American Diabetes Month. **Pages S7120–21**

National Obesity Care Week: Senate agreed to S. Res. 325, expressing support for designation of the week of October 29 through November 4, 2017, as ''National Obesity Care Week''. **Page S7121**

FITARA Enhancement Act: Senate passed H.R. 3243, to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative. **Page S7121**

Federal Agency Mail Management Act: Senate passed H.R. 194, to ensure the effective processing of mail by Federal agencies. **Page S7121**

Wehrum Nomination—Agreement: Senate resumed consideration of the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. **Pages S7098–S7106**

During consideration of this nomination today, Senate also took the following action:

By 49 yeas to 46 nays (Vote No. 267), Senate agreed to the motion to close further debate on the nomination. **Pages S7097–98**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 9:30 a.m., on Thursday, November 9, 2017. **Page S7121**

Nominations—Agreement: A unanimous-consent-time agreement was reached providing that notwithstanding Rule XXII, at 11 a.m., on Thursday, November 9, 2017, there be 30 minutes of post-cloture time remaining on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency, equally divided between the two Leaders or their designees, and that following the use or yielding back of that time, Senate vote on confirmation of the nomination; and that following disposition of the Wehrum nomination, Senate stand in recess until 1:45 p.m.; and that at 1:45 p.m., Senate vote on the motion to invoke cloture on the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy, with no intervening action or debate. **Page S7121**

Nominations Confirmed: Senate confirmed the following nominations:

By 49 yeas to 46 nays (Vote No. EX. 266), Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years. **Pages S7072–97, S7123**

Melissa Sue Glynn, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Enterprise Integration).

Cheryl L. Mason, of Virginia, to be Chairman of the Board of Veterans' Appeals for a term of six years.

Randy Reeves, of Mississippi, to be Under Secretary of Veterans Affairs for Memorial Affairs. **Pages S7106, S7123**

Messages from the House: **Pages S7107–08**

Measures Referred: **Page S7108**

Executive Communications: **Page S7108**

Petitions and Memorials: **Pages S7108–09**

Executive Reports of Committees: Page S7109

Additional Cosponsors: Pages S7110–11

Statements on Introduced Bills/Resolutions: Pages S7111–20

Additional Statements: Page S7107

Authorities for Committees to Meet: Page S7120

Privileges of the Floor: Page S7120

Record Votes: Two record votes were taken today. (Total—267) Pages S7097, S7098

Adjournment: Senate convened at 10 a.m. and adjourned at 7:03 p.m., until 9:30 a.m. on Thursday, November 9, 2017. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7121.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1693, to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking, with an amendment in the nature of a substitute;

S. 1668, to rename a waterway in the State of New York as the "Joseph Sanford Jr. Channel"; and

The nominations of Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission, James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration, Neil Jacobs, of North Carolina, and Nazakhtar Nikakhtar, of Maryland, both to be an Assistant Secretary of Commerce, Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board, Raymond Martinez, of New Jersey, to be Administrator of the Federal Motor Carrier Safety Administration, and Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary, both of the Department of Transportation, and Leon A. Westmoreland, of Georgia, to be a Director of the Amtrak Board of Directors.

DATA BREACHES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine protecting consumers in the era of major data breaches, after receiving testimony from Paulino do Rego Barros, Jr., Atlanta, Georgia, and Richard F. Smith, Los Angeles, California, both of Equifax; Marissa Mayer, Yahoo, San Francisco, California; Karen Zacharia, Verizon, New York, New York; and Todd Wilkinson, Entrust Datacard, Shakopee, Minnesota.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Kathleen Hartnett White, of Texas, to be a Member of the Council on Environmental Quality, and Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency, who was introduced by Representative Stivers, after the nominees testified and answered questions in their own behalf.

AFRICA

Committee on Foreign Relations: Subcommittee on Africa and Global Health Policy received a closed briefing on a readout of Ambassador Haley's recent trip to Africa from Nikki R. Haley, Permanent Representative to the United Nations, Department of State.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security, after the nominee, who was introduced by Senators Portman and Rubio, testified and answered questions in their own behalf.

INDIAN AFFAIRS LEGISLATION

Committee on Indian Affairs: Committee concluded a hearing to examine S. 1400, to amend title 18, United States Code, to enhance protections of Native American tangible cultural heritage, and S. 465, to provide for an independent outside audit of the Indian Health Service, after receiving testimony from John Tahsuda III, Acting Assistant Secretary—Indian Affairs, Department of the Interior; Elizabeth A. Fowler, Deputy Director for Management Operations, Indian Health Service, Department of Health and Human Services; David Flute, Sisseton-Wahpeton Sioux Tribe, Agency Village, South Dakota; and Kurt Riley, Pueblo of Acoma, Acoma, New Mexico.

LAWSUIT ABUSE ON AMERICAN SMALL BUSINESSES

Committee on the Judiciary: Committee concluded a hearing to examine the impact of lawsuit abuse on American small businesses and job creators, including S. 237, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, after receiving testimony from Elizabeth Milito, National Federation of Independent Business Small Business Legal Center, and John H. Beisner,

Skadden, Arps, Slate, Meagher and Flom LLP, on behalf of the U.S. Chamber Institute for Legal Reform, both of Washington, D.C.; and Myriam Gilles, Yeshiva University Benjamin N. Cardozo School of Law, New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 4294–4317; and 1 resolution, H. Con. Res. 91, were introduced. **Pages H8660–61**

Additional Cosponsors: **Pages H8662–63**

Reports Filed: Reports were filed today as follows:

H.R. 3071, to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes (H. Rept. 115–402); and

H.R. 3244, to amend title 5, United States Code, to provide for annual surveys of Federal employees, and for other purposes, with an amendment (H. Rept. 115–403). **Page H8660**

Speaker: Read a letter from the Speaker wherein he appointed Representative Bacon to act as Speaker pro tempore for today. **Page H8599**

Recess: The House recessed at 10:57 a.m. and reconvened at 12 noon. **Page H8605**

Guest Chaplain: The prayer was offered by the Guest Chaplain, Pastor Jeff Williams, Faith Community Church, Janesville, WI. **Page H8605**

Micro Offering Safe Harbor Act—Rule for Consideration: The House agreed to H. Res. 609, providing for consideration of the bill (H.R. 2201) to amend the Securities Act of 1933 to exempt certain micro-offerings from the registration requirements of such Act, by a yea-and-nay vote of 233 yeas to 190 nays, Roll No. 617 , after the previous question was ordered by a yea-and-nay vote of 224 yeas to 190 nays, Roll No. 616. **Pages H8609–14**

Recess: The House recessed at 3:20 p.m. and reconvened at 4:30 p.m. **Page H8641**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, November 9. **Page H8641**

Hydropower Policy Modernization Act of 2017: The House passed H.R. 3043, to modernize hydropower policy, by a recorded vote of 257 ayes to 166 noes, Roll No. 620. **Pages H8614–42**

Pursuant to the Rule, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. **Page H8630**

Agreed to:

Grothman amendment (No. 1 printed in H. Rept. 115–391) that requires the U.S. Department of Interior consider the threat of invasive species when it makes decisions on hydropower licensing; **Pages H8633–34**

Babin amendment (No. 2 printed in H. Rept. 115–391) that allows FERC to examine the licenses of any project located in an area that was declared by the President to be a disaster area in 2017; and **Page H8634**

Jenkins (WV) amendment (No. 3 printed in H. Rept. 115–391) that ensures that when hydro projects have an existing Memorandum of Understanding for non-federal hydropower with FERC that all relevant federal agencies are authorized to fully study and review the potential expansion of non-federal hydropower, including a review of seasonal pool levels and slowing flood releases. **Pages H8634–35**

Rejected:

Rush amendment in the nature of a substitute (No. 4 printed in H. Rept. 115–391) that sought to add a new section to the Federal Power Act (FPA) to improve the hydropower licensing process; direct the Commission and the Federal resource agencies to convene a negotiated rulemaking within 90 days of enactment with state and local government representatives, Indian tribes, and stakeholders to develop a process that will coordinate all necessary Federal authorizations and enable the Commission to make a final decision on a license not later than 3 years of receiving a completed license application (by a recorded vote of 185 ayes to 234 noes, Roll No. 619). **Pages H8635–41, H8641–42**

H. Res. 607, the rule providing for consideration of the bills (H.R. 3043) and (H.R. 3441) was agreed to yesterday, November 7th.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures. Consideration began Tuesday, November 7th.

Veterans Crisis Line Study Act of 2017: H.R. 4173, amended, to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line, by a ⅔ yea-and-nay vote of 420 yeas with none voting "nay", Roll No. 618; and **Page H8614**

Veterans Fair Debt Notice Act of 2017: H.R. 3705, amended, to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities, by a 2/3 yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 621. **Page H8643**

Senate Referrals: S. 1088 was referred to the Committee on Oversight and Government Reform. S. 1015 was referred to the Committee on Energy and Commerce and the Committee on Veterans' Affairs. **Page H8660**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H8609.

Quorum Calls—Votes: Four yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H8612–13, H8613–14, H8614, H8641–42, H8642, and H8643. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:57 p.m.

Committee Meetings

CLOSE TO HOME: HOW OPIOIDS ARE IMPACTING COMMUNITIES

Committee on Education and the Workforce: Subcommittee on Early Childhood, Elementary, and Secondary Education; and Subcommittee on Higher Education and Workforce Development held a joint hearing entitled "Close to Home: How Opioids are Impacting Communities". Testimony was heard from Leana Wen, Commissioner, Baltimore City Health Department; David Cox, Superintendent, Allegany County, Maryland; and public witnesses.

MACRA AND ALTERNATIVE PAYMENT MODELS: DEVELOPING OPTIONS FOR VALUE-BASED CARE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "MACRA and Alternative Payment Models: Developing Options for Value-based Care". Testimony was heard from Jeffrey Bailet, Chairperson, Physician-Focused Payment Model Technical Advisory Committee, Department of Health and Human Services; and public witnesses.

ADMINISTRATION PRIORITIES FOR THE INTERNATIONAL FINANCIAL INSTITUTIONS

Committee on Financial Services: Subcommittee on Monetary Policy and Trade held a hearing entitled "Administration Priorities for the International Financial Institutions". Testimony was heard from David Malpass, Under Secretary for International Affairs, Department of the Treasury.

FINANCIAL INTELLIGENCE AND ENFORCEMENT: TREASURY'S ROLE IN SAFEGUARDING THE AMERICAN FINANCIAL SYSTEM

Committee on Financial Services: Subcommittee on Terrorism and Illicit Finance held a hearing entitled "Financial Intelligence and Enforcement: Treasury's Role in Safeguarding the American Financial System". Testimony was heard from Sigal Mandelker, Under Secretary for Terrorism and Financial Intelligence, Department of the Treasury.

THE PRESIDENT'S PLAN FOR AFGHANISTAN AND PAKISTAN: OBJECTIVES AND RESOURCES

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa; and Subcommittee on Asia and the Pacific held a joint hearing entitled "The President's Plan for Afghanistan and Pakistan: Objectives and Resources". Testimony was heard from Alice G. Wells, Acting Assistant Secretary, Acting Special Representative for Afghanistan and Pakistan, Bureau of South and Central Asian Affairs, Department of State; and Gregory Huger, Assistant to the Administrator, Office of Afghanistan and Pakistan Affairs, U.S. Agency for International Development.

EXAMINING THE EFFECTIVENESS OF THE KINGPIN DESIGNATION ACT IN THE WESTERN HEMISPHERE

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing entitled "Examining the Effectiveness of the Kingpin Designation Act in the Western Hemisphere". Testimony was heard from public witnesses.

PREVENTING THE NEXT ATTACK: TSA'S ROLE IN KEEPING OUR TRANSPORTATION SYSTEMS SECURE

Committee on Homeland Security: Full Committee held a hearing entitled "Preventing the Next Attack: TSA's Role in Keeping Our Transportation Systems Secure". Testimony was heard from David P. Pekoske, Administrator, Transportation Security Administration, Department of Homeland Security.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup on H.R. 3989, the ''USA Liberty Act of 2017''. H.R. 3989 was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee concluded a markup on H.R. 995, the ''21st Century Respect Act''; H.R. 1532, the ''Poarch Band of Creek Indians Land Reaffirmation Act''; H.R. 180, to direct the Secretary of Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs; H.R. 2504, to ensure fair treatment in licensing requirements for the export of certain echinoderms; H.R. 2907, the ''Planning for American Energy Act of 2017''; H.R. 3469, to designate the bridge located in Blount County, Tennessee, on the Foothills Parkway (commonly known as ''Bridge 2'') as the ''Dean Stone Bridge''; H.R. 3905, the ''Minnesota's Economic Rights in the Superior National Forest Act''; H.R. 4239, the ''SECURE American Energy Act''; and S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund. H.R. 995, H.R. 1800, and H.R. 4239 were ordered reported, as amended. H.R. 1532, H.R. 2504, H.R. 2907, H.R. 3469, H.R. 3905, and S. 140 were ordered reported, without amendment.

MOVING THE AMERICAN EMBASSY IN ISRAEL TO JERUSALEM: CHALLENGES AND OPPORTUNITIES

Committee on Oversight and Government Reform: Subcommittee on National Security held a hearing entitled ''Moving the American Embassy in Israel to Jerusalem: Challenges and Opportunities''. Testimony was heard from public witnesses.

GEOENGINEERING: INNOVATION, RESEARCH, AND TECHNOLOGY

Committee on Science, Space, and Technology: Subcommittee on Environment; and Subcommittee on Energy held a joint hearing entitled ''Geoengineering: Innovation, Research, and Technology''. Testimony was heard from Phil Rasch, Chief Scientist for Climate Science, Laboratory Fellow, Pacific Northwest National Laboratory; and public witnesses.

HIRING MORE HEROES: A REVIEW OF SBA'S OFFICE OF VETERANS BUSINESS DEVELOPMENT

Committee on Small Business: Full Committee held a hearing entitled ''Hiring More Heroes: A Review of SBA's Office of Veterans Business Development''. Testimony was heard from Barbara Carson, Associate Administrator, Office of Veterans Business Development, Small Business Administration.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Full Committee held a markup on H.R. 4243, the ''VA Asset and Infrastructure Review Act of 2017''. H.R. 4243 was ordered reported, as amended.

A REVIEW OF THE INTERAGENCY TRANSITION ASSISTANCE PROGRAM AND THE NEED FOR ENHANCED OUTCOME MEASUREMENTS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing entitled ''A Review of the Interagency Transition Assistance Program and the Need for Enhanced Outcome Measurements''. Testimony was heard from Cindy Brown Barnes, Director, Education, Workforce and Income Security, Government Accountability Office; Margarita Devlin, Executive Director, Benefits Assistance Service, Veterans Benefits Administration, Department of Veterans Affairs; Ivan E. Denton, Director, Office of National Programs, Veterans' Employment and Training Service, Department of Labor; Judd H. Lyons, Director, Defense Personnel and Family Support Center, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense; Brigadier General Robert Bennett, Adjutant General, U.S. Army; Rear Admiral Karl O. Thomas, Director, 21st Century Sailor Office, Office of the Chief of Naval Operations, U.S. Navy; Brigadier General Kathleen A. Cook, Director, Air Force Services, Manpower, Personnel and Services; and Brigadier General Kurt W. Stein, Director, Marine and Family Programs, U.S. Marine Corps.

MISCELLANEOUS MEASURE

Committee on Ways and Means: Full Committee continued a markup on H.R. 1, the ''Tax Cuts and Jobs Act''.

Joint Meetings

NATIONAL DEFENSE AUTHORIZATION ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 9, 2017

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider S. 2099, to provide for the management by the Secretary of Agriculture of certain Federal land; to be immediately followed by a hearing to examine the nominations of Glen R. Smith, of Iowa, to be a Member of the Farm Credit Administration Board, and Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture, 9:30 a.m., SR–328A.

Committee on Armed Services: to hold hearings to examine the nominations of Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Missouri, and Bruce D. Jette, of Virginia, both to be an Assistant Secretary of the Army, and Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force, all of the Department of Defense, 10 a.m., SD–G50.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nominations of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security, Ernest W. Dubester, of Virginia, Colleen Kiko, of North Dakota, and James Thomas Abbott, of Virginia, each to be a Member of the Federal Labor Relations Authority, and Jonathan H. Pittman, to be an Associate Judge of the Superior Court of the District of Columbia, 10:30 a.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 2070, to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism, and the nominations of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Jeffrey Uhlman Beaverstock, to be United States District Judge for the Southern District of Alabama, Emily Coody Marks, and Brett Joseph Talley, both to be a United States District Judge for the Middle District of Alabama, Holly Lou Teeter, to be United States District Judge for the District of Kansas, and Bobby L. Christine, to be United States Attorney for the Southern District of Georgia, and David J. Freed, to be United States Attorney for the Middle District of Pennsylvania, both of the Department of Justice, 10 a.m., SD–226.

House

Committee on Armed Services, Subcommittee on Readiness, hearing entitled ''Aviation Readiness: What's the Flight Plan?'', 10:30 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Digital Commerce and Consumer Protection, hearing entitled ''Perspectives on Mixed Martial Arts'', 10 a.m., 2123 Rayburn.

Subcommittee on Environment, hearing on legislation on the Farm Regulatory Certainty Act, 10:15 a.m., 2322 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, hearing entitled ''Resolving the Political Crisis in the Democratic Republic of the Congo'', 9 a.m., 2172 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Space, hearing entitled ''An Update on NASA Exploration Systems Development'', 9:30 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, November 9

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency, and vote on confirmation of the nomination at approximately 11:30 a.m.

Following disposition of the nomination of William L. Wehrum, Senate will stand in recess until 1:45 p.m.

At 1:45 p.m., Senate will vote on the motion to invoke cloture on the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, November 9

House Chamber

Program for Thursday: Consideration of H.R. 2201—Micro Offering Safe Harbor Act.

Extensions of Remarks, as inserted in this issue

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