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No. 183

## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

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

Bless the Members of this assembly as they return to their districts to listen to and communicate with their constituents about the issues and affairs currently being considered in Congress.

It is the weekend our Nation remembers its veterans, upon whom we ask Your blessing. May our Nation be faithful to those still with us, providing whatever their needs may be after they gave years of their lives in service to our country rather than dedicated to personal gain. They are an inspiration to us, and we should not forget nor neglect our responsibility to them.

As the Nation pauses to show its respect, may we be forever grateful for the blessings You have bestowed upon the United States of America. May our Nation continue to be a beacon of hope for the world, and may all we do be for Your greater honor and glory.

Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. WESTERMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. WESTERMAN led the Pledge of Allegiance as follows:

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

### ANNOUNCEMENT BY THE SPEAKER

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

### HONORING ARKANSAS MILITARY VETERANS' HALL OF FAME INDUCTEES

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

Mr. WESTERMAN. Mr. Speaker, I rise today to pay tribute to the 15 men and women recently inducted into the Arkansas Military Veterans' Hall of Fame.

Of the 15 inductees, the Hall of Fame selected 10 "exclusively for their brave military service to our country," while it selected an additional 5 for their "combined military and civilian service to our community, State, and Nation."

I am proud to note that 8 of these 15 American heroes hail from the Fourth Congressional District of Arkansas, serving in conflicts ranging from World War II to Vietnam, as well as Iraq and Afghanistan. This speech simply is not enough time to recognize their courage and sacrifice for our Nation.

I extend my thanks to all those who served as we recognize Veterans Day.

Mr. Speaker, I submit for the RECORD a brief biography of each of the Fourth District heroes honored by the Arkansas Military Veterans' Hall of Fame.

#### HONORING ARKANSAS MILITARY VETERANS' HALL OF FAME INDUCTEES

Rep. Bruce Westerman/November 9, 2017

Biographies of Fourth Congressional District Inductees (as provided by the AMVHOF):

Chief Petty Officer Adam Lee Brown, deceased (Killed in Action), Hot Springs, U.S. Navy, Iraq (two tours), Afghanistan (two tours). Awards include the Silver Star Medal for Gallantry in Action, the Bronze Star Medal with Valor, the Purple Heart Medal, the Defense Meritorious Service Medal, and three Navy Achievement Medals.

Specialist Four Roger K. Hollinger, Sr., deceased, Prattville, U.S. Army, Vietnam. Awards include the Silver Star Medal with First Oak Leaf Cluster for Gallantry in Action, the Bronze Star Medal for Exceptionally Meritorious Combat Achievement, and the Army Commendation Medal for Valor.

Major General Billie (Bill) Branham Lefler, deceased, Hot Springs Village, U.S. Army, Vietnam. Awards include two Distinguished Service Medals, the Legion of Merit Medal, and the Army Commendation Medal.

Major General Sidney Sanders McMath, Deceased, Magnolia, U.S. Marine Corp, World War II. Awards include the Silver Star Medal for Gallantry in Action, and the Legion of Merit Medal for Valor.

Colonel Billie Ray Wood, Mena, U.S. Army, Vietnam. Awards include the Legion of Merit Medal, the Distinguished Flying Cross, the Army Soldier's Medal, the Bronze Star Medal for exceptionally meritorious combat achievement, two Meritorious Service Medals, 22 Air Medals, and three Army Commendation Medals.

Technician Fourth Grade Doyle Ray Collie, deceased, New DeRoche, U.S. Army, World War II. Awards include the Purple Heart Medal, Presidential Unit Citation, and the European African Middle Eastern Theater Ribbon with four Bronze Service Stars.

Lieutenant Colonel Mary Virginia Erdman, Hot Springs Village, U.S. Army Reserves, Desert Storm. Awards include two Army Commendation Medals, Army Reserve Components Achievement Medal. Erdman has been very active in several veteran's service organizations, and was the commander of the Arkansas State Legion Department from 2012 to 2013.

Lieutenant Commander John Roger Rickard, Alma, U.S. Navy, Vietnam. Awards include the Meritorious Service Medal, three Navy Commendation Medals, and the Navy Achievement Medal. During the Vietnam War, Rickard served three cruises as a torpedo mate on fast frigates. Upon retiring from the Navy, Rickard founded the Alma High School JROTC program and served 17 years.

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

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



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# SUPPORTING IMMIGRANTS GRANTED TEMPORARY PROTECTED STATUS

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

Mr. BROWN of Maryland. Mr. Speaker, I rise today in support of every immigrant who has been granted temporary protective status in my district and across the Nation. We have nearly 23,000 in Maryland, the sixth highest in the country, and 4,000 in my district, one of the top five districts in the country.

Many people with TPS fled countries such as Haiti, El Salvador, Somalia, and Syria, ravaged by armed conflict or environmental disasters. For over 20 years, they have raised their families here in the United States. They are our neighbors and our coworkers. Their kids attend our schools. TPS holders have been woven into the fabric of our communities.

Earlier this week, those from Nicaragua were told they will be deported. Those from Honduras are next. Deporting people and giving them mere months to pack their bags after 20 years in the United States is cruel and isn't who we are as Americans.

Mr. Speaker, as the Trump administration puts the lives of thousands in legal limbo, I urge my colleagues to ensure TPS holders can stay and pursue an earned path to citizenship.

## WE NEED TO PUSH FORWARD ON TAX CUTS

(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, as the House contemplates the Tax Cuts and Jobs Act, a lot of misinformation is getting around the country on that.

The intent here is to make the Tax Code simpler; the ability for Americans to spend instead of billions of hours and billions of dollars combined in dealing with their taxes, to get it down to a simple form, perhaps a postcard for many Americans, and the ability to weed through their taxes and get them done and put more money in their pockets.

What our plan does is put approximately \$1,200 into the average middle-income family's pocket, leaves it there instead of taking it out; also, restoring more opportunity on Main Street for small businesses, medium businesses, and the jobs that we want to come back home to this country, those trillions of dollars we can repatriate back to this country and help the middle class, help middle-income Americans, help everybody to have a stronger, more vibrant economy, which helps everybody, instead of a complicated Tax Code put together by lobbyists.

We need to push forward on this and have a success for the American people.

# THE TRICK TRICK TRICK ACT

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

Mr. BUTTERFIELD. Mr. Speaker, I rise today in opposition to the Tax Cuts and Jobs Act, also known as the "Trick Trick Trick Act."

This bill, Mr. Speaker, includes a \$1.5 trillion cut to Medicare and Medicaid, raises taxes on middle-income families, and gives the biggest tax cuts to corporations and the wealthiest Americans.

This bill eliminates personal deductions for medical expenses, creating further hardship for people facing illnesses; eliminates deductions for State and local income taxes, resulting in higher taxes for people who can't afford it; and eliminates deductions for interest paid on student loans, making quality education less accessible.

Proponents of the bill, Mr. Speaker, will have you believe that these tax cuts will benefit working families, grow our economy, and decrease the Federal deficit. That is fake news. This bill does nothing more than destroy the hopes and dreams of middle Americans seeking a stable career, a fulfilled life, and a brighter future.

The American people deserve better. I remain willing and able to work across party lines to achieve responsible tax reform.

I say to my Republican colleagues: Do not pass this bill as a Republican bill. It must be bipartisan. If you do it, you will regret it.

## HONORING L. STEPHEN GAITHER

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

Mrs. HARTZLER. Mr. Speaker, I rise today to honor and thank Mr. Stephen Gaither for his dedication and service to our Nation's veterans.

After over 40 years of service, Mr. Gaither is retiring as the public affairs officer at the Harry S. Truman Memorial Veterans Hospital in Columbia, Missouri.

Mr. Gaither has spent his entire life serving this great Nation. In addition to his numerous years serving our veterans at the Truman VA, Mr. Gaither served in the United States Air Force, the Utah Air National Guard, and the Army Reserves.

Since 1989, he has been an active volunteer for the Heart of Missouri United Way, a nonprofit organization that works to improve the economic and social conditions of those who reside in our local community. His passion for serving others will forever leave a mark on the Truman VA and the city of Columbia.

So, Mr. Gaither, this week, as we celebrate Veterans Day, I want to thank you for your devotion and your work on behalf of our Nation's veterans and our community, and I want to wish you the very best in your retirement.

# COMMEMORATING VETERANS OF THE U.S. VIRGIN ISLANDS AND THROUGHOUT THE UNITED STATES

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

Ms. PLASKETT. Mr. Speaker, on behalf of my family and staff, I want to salute and commemorate the veterans of the U.S. Virgin Islands and throughout the United States on this Veterans Day.

The Virgin Islands along with the other territories send more men and women per capita to serve in the U.S. military than anywhere else in this Nation.

I would like to personally recognize Task Force Alpha on St. Croix, Task Force Bravo on St. Thomas, and St. John Responders.

On Veterans Day, we salute the men and women who have proudly worn the uniform and the families who have served alongside them. We affirm our sacred duty as citizens to express our enduring gratitude, both in words and actions, for their service.

As part of Veterans Day this year in the Virgin Islands, we will be honoring female veterans in the territory. Being honored as parade marshal and guest speaker on the island of St. Croix is Major Kathleen Parris; on St. Thomas, Sergeant First Class Laurel Maloon-Francis, serving as parade marshal; and serving as guest speaker on the island of St. Thomas will be former military spouse, Monique Y. Ferrell, director of the Army Sexual Harassment/Assault Response and Prevention Program.

Mr. Speaker, just as we vow to leave no soldier behind on the battlefield, we vow not to forget any veteran when they return home.

## A MESSAGE FOR THE MEDIA

(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, I have a message for the liberal so-called mainstream media.

You are essential to democracy. You have an almost sacred responsibility to inform the American people, but they don't believe you anymore.

Your coverage of the President and conservative Republicans is now obviously so slanted, so biased, that you have lost your credibility; in fact, polls show that it is at a record low.

In trying to destroy this President, you are destroying yourself. Is that what you want?

Remember the Chinese proverb: "When you set out on a journey of revenge, dig two graves."

Why not trust the American people with the facts and let them make up their own minds rather than telling them what to think? I don't know of

any other way you can restore your credibility.

# NATIONAL DIABETES AWARENESS MONTH

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

Ms. ADAMS. Mr. Speaker, each November, communities across the country observe National Diabetes Awareness Month. We come together to educate our neighbors and to bring attention to the impact that diabetes has in the lives of millions of Americans.

As a diabetic, I know the challenges faced by people with this condition.

In 2015, diabetes was the seventh leading cause of death for Americans, and diagnosis rates continue to grow each year.

To live a long and prosperous life with this disease, it is imperative that people with diabetes receive proper nutrition and access to healthcare. Thanks to the Affordable Care Act, preexisting conditions such as diabetes are covered by health insurance. Thanks to SNAP, the poorest in our communities have access to nutrition.

ACA and SNAP are under attack, and as a member of the Diabetes Caucus and as your Representative in Congress, I will continue to vigorously protect the ACA and fight to increase SNAP benefits for those in need.

My life is a living testament to the opportunities that exist when diabetes is properly treated. We must ensure these opportunities are available for the next generation.

# NOVEMBER IS DIABETES AWARENESS MONTH

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

Mr. BILIRAKIS. Mr. Speaker, November is Diabetes Awareness Month.

Over 30 million children and adults, including myself, suffer from diabetes. Another 84 million have prediabetes, and 90 percent of them don't even know it.

Diabetes can cause stroke, blindness, kidney disease, heart disease, loss of toes, feet, or even legs.

In addition to the personal toll this disease takes on the lives of those affected, healthcare costs for diabetic patients are 2.3 times greater than for those without diabetes. This awful disease costs the healthcare system an estimated \$322 billion.

Rates of diabetes have risen dramatically, unfortunately, in recent years. We must do something to stop it. The U.S. Congress is working towards that end.

I was proud to have worked on the 21st Century Cures Act, which invests in research for a cure. The bill streamlines the FDA approval process and provides more money for research to the NIH.

There is much more we can do, Mr. Speaker, to tackle this serious public health issue.

□ 0915

# MICRO OFFERING SAFE HARBOR ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 609, I call up 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). Pursuant to House Resolution 609, the bill is considered read.

The text of the bill is as follows:

H.R. 2201

*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 "Micro Offering Safe Harbor Act".

## SEC. 2. EXEMPTIONS FOR MICRO-OFFERINGS.

(a) IN GENERAL.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) in subsection (a), by adding at the end the following:

"(8) transactions meeting the requirements of subsection (f)."; and

(2) by adding at the end the following:

"(f) CERTAIN MICRO-OFFERINGS.—The transactions referred to in subsection (a)(8) are transactions involving the sale of securities by an issuer (including all entities controlled by or under common control with the issuer) that meet all of the following requirements:

"(1) PRE-EXISTING RELATIONSHIP.—Each purchaser has a substantive pre-existing relationship with an officer of the issuer, a director of the issuer, or a shareholder holding 10 percent or more of the shares of the issuer.

"(2) 35 OR FEWER PURCHASERS.—There are no more than, or the issuer reasonably believes that there are no more than, 35 purchasers of securities from the issuer that are sold in reliance on the exemption provided under subsection (a)(8) during the 12-month period preceding such transaction.

"(3) SMALL OFFERING AMOUNT.—The aggregate amount of all securities sold by the issuer, including any amount sold in reliance on the exemption provided under subsection (a)(8), during the 12-month period preceding such transaction, does not exceed \$500,000."

(b) EXEMPTION UNDER STATE REGULATIONS.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) in subparagraph (F), by striking "or" at the end;

(2) in subparagraph (G), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(H) section 4(a)(8)."

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 115-401, if offered by the gentleman from Minnesota (Mr. EMMER) or his designee, which shall be considered read and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from

California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Speaker, we know that, unfortunately, after 8 years of bad economic policies from the Obama administration, working people did not receive a pay increase. We know that we had one of the lowest labor participation rates in modern history. We know that the economy was limping along at 1½ to 2 percent economic growth.

But, fortunately, Mr. Speaker, a new day has dawned and now, all of a sudden, we see that, with the policies of Republicans in Congress, with the policies of the Trump administration, we are seeing promising signs. What we are seeing all of a sudden now is 2 quarters, Mr. Speaker, of 3-plus percent economic growth. This means a difference to working families. They are finally seeing increases in their paychecks, increases in their take-home pay.

That is why one of the most exciting policies that are being worked upon today that we hope to see soon is fundamental, pro-growth tax reform for the entire American economy; one that would grow our economy and that makes a Tax Code fairer, flatter, simpler, more competitive; one that would lower rates for families and allow 90 percent of Americans to fill out their forms on something akin to a postcard; something that would help our small businesses and entrepreneurs.

I look forward, Mr. Speaker, to having that legislation on the floor soon. But we have legislation today that is also important to our small businesses and our entrepreneurs, H.R. 2201, by the gentleman from Minnesota.

What is so important about this legislation, Mr. Speaker, is that it would allow our entrepreneurs and our small businesses to more effectively be able to reach out to family and friends to get the needed capital to start their businesses.

A 2014 survey by the Kauffman Foundation found out that over 28 percent of startups raise their funding from their personal network. Mr. Speaker, we have a challenge, and that is the Securities Act does not clearly define what is a public offering or, conversely, a nonpublic offering. So this makes it very difficult for our early-stage entrepreneurial growth companies to go out and do any kind of private placement to raise funds from friends and family.

Now, we know that a private placement is already something that is established in law. But what isn't established is a bright line, safe harbor for these business enterprises to go out and raise these funds.

So what we also know, unfortunately, from our Securities and Exchange Commission is that a registered offering is simply not economically

feasible for a small business, an entrepreneur, an issuer who is seeking to raise less than \$1 million.

So too often, Mr. Speaker, we have a number of these enterprises that, frankly, just never get jump-started because they don't have the opportunity for a private offering. That is why it is so important.

I want to thank the gentleman from Minnesota (Mr. EMMER) for his leadership in bringing this legislation to the House floor today.

So it is a simple piece of legislation. Again, it simply allows a bright line, safe harbor for very small offerings. It requires that each purchaser has a substantive preexisting relationship with an officer, director, or shareholder of the issuer.

The issuer must reasonably believe that there are no more than 35 purchasers of the securities, and the aggregate amount of all securities sold by the issuer cannot exceed \$500,000 in a 12-month period.

So, Mr. Speaker, we are talking about a very small portion of startups, but a very vitally important section of our startups that need capital.

Mr. Speaker, a few decades ago there was a company where a gentleman borrowed money from his father to import Japanese sports shoes, and he purchased 200 pairs of these Japanese sports shoes. He started a business called Blue Ribbon Sports, and today we know it as Nike.

A few decades ago there was an investor out in Omaha, Nebraska, who borrowed money from seven friends and family members, including his sister Doris and Aunt Alice. Over the next 9 years, this initial investment grew, and this gentleman purchased something called Berkshire Hathaway, the textile company that has now led to the Berkshire Hathaway empire.

In 1994, there was a gentleman who took a loan from his parents, moved to a two-bedroom, small apartment, and launched a company called Amazon.

We want to make sure that the next Berkshire Hathaway, the next Amazon get launched, and that is why it is so critical we enact H.R. 2201.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2201 would create an unnecessary and potentially dangerous loophole in Federal and State securities laws by allowing companies to sell unregistered securities without important safeguards that normally apply to such transactions. Specifically, the bill would allow a company to raise up to \$500,000 from 35 or fewer investors, subject only to the requirement that each of these investors has a substantive preexisting relationship with the company.

Currently, before a company can offer or sell its securities, it must either register the offering with the Securities and Exchange Commission—

that is the SEC—or qualify for at least one of several existing exemptions from registration. These exemptions provide reduced regulatory requirements for businesses conducting the offerings, but are limited to investors who have the financial sophistication to understand the risks, or enough assets to bear losses without the full protections of the securities laws.

Additionally, unlike H.R. 2201, these existing exemptions include several critical investor protections, such as notice to regulators, limitations on advertising, and restrictions on resale. For example, securities offered pursuant to rule 506 of regulation D are restricted, meaning they cannot be resold for at least a year without registering them; that is, re-registering them.

Additionally, the re-registration exemptions available under the crowdfunding rules and regulation A impose limitations on the amounts an individual can invest in a year, thereby placing a cap on potential losses.

H.R. 2201's lack of basic safeguards would leave investors vulnerable to an array of investment scams. For example, a purchaser of securities offered pursuant to H.R. 2201 would be able to immediately resell the securities in secondary transactions. In the past, the failure to restrict the resale of unregistered securities has exposed secondary investors to "pump and dump" schemes, a form of fraud that involves hyping up cheap junk stock in order to resell it at a higher price to unwitting investors.

Additionally, investor and consumer advocates, like Americans for Financial Reform, Center for American Progress, and Public Citizen, oppose H.R. 2201 because it would enable a particularly deceptive scam known as "affinity fraud." Bad actors perpetrating affinity fraud could use H.R. 2201 to prey upon religious communities, ethnic groups, and the elderly.

Just a few years ago, the SEC shut down a scheme targeting the Hispanic community in southern California. The perpetrators raised more than \$800,000 by representing to close friends and family members that their investment would be used to develop a financial services firm serving the Hispanic community.

The SEC found that, instead of developing the purported business, the scammers "used a large part of the investors' money to engage unsuccessfully in high risk 'day-trading' of stocks; pay personal living, travel, and entertainment expenses; or make other unexplained expenditures with no connection to the purported startup business activities."

H.R. 2201 would provide a roadmap for bad actors to similarly rip off investors. The bill's \$500,000 cap on offerings does not eliminate the need for robust safeguards against fraud and abuse. In fact, these protections are even more important for offerings of this size, given the proliferation of investment schemes in the smaller offering space.

The SEC has found that "fraud in the micro cap stock markets is of increasing concern to regulators, as such markets have proven to be fertile grounds for fraud and abuse."

While \$500,000 may not seem like a lot on Wall Street, for Main Street Americans, losing even a fraction of that amount would destroy the hope of one day retiring with dignity. Existing exemptions such as those available under the SEC's regulation D, regulation A, and crowdfunding rules provide ample opportunities for companies to raise capital while also protecting investors.

H.R. 2201 would only expose hard-working Americans to a new and wholly unnecessary risk. For these reasons, I urge my colleagues to vote "no" on H.R. 2201, and I reserve the balance of my time.

#### GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous material on the bill under consideration.

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

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. EMMER), the sponsor of the legislation and an outstanding member of the Financial Services Committee.

Mr. EMMER. Mr. Speaker, while government isn't meant to create jobs, with the help of the President, Congress can set Federal policies that establish a pro-worker, pro-business environment that lifts people out of poverty, helps families, and drives our country forward.

One problem today that is impeding job growth is access to capital for small businesses. American businessmen and -women are often unable to get the loans they need to start a new enterprise or to grow an existing one.

Additionally, if a firm would like to publicly sell stock to raise money, it must register with the Securities and Exchange Commission, which costs \$2.5 million, on average; an amount most small businesses simply cannot afford.

Small and emerging businesses are a key to the economic engine in America. The Small Business Administration found that these businesses create over half of the new jobs on an annual basis in this country. More importantly, today's small businesses are tomorrow's success story.

Just think of all the great businesses in this country that started with a dream in a garage: Amazon, Apple, Microsoft, Disney, Harley-Davidson, and Minnesota's own Medtronic. We want to empower the entrepreneurs in this country to dream, innovate, and create jobs that grow our economy.

That is why I introduced the Micro Offering Safe Harbor Act. This bill will make it easier for entrepreneurs and

small businesses 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.

Thus, 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 expert.

□ 0930

This legislation requires three specific criteria to be met simultaneously in order to trigger a safe harbor exemption for a security offering instead of just one or more. These criteria ensure that: one, each purchaser has a substantive preexisting relationship with an owner; two, there are no more than 35 purchasers of securities from the issuer that are sold in reliance on the exemption during the 12 months proceeding; and, three, the aggregate amount of all securities sold by the issuers does not exceed \$500,000 during the 12-month period preceding the offering. The bill also exempts any of the aforementioned security offerings from blue-sky laws, while maintaining antifraud provisions at the Federal and State level.

These provisions protect Americans from criminals trying to swindle them out of their hard-earned money, while making capital more accessible to businesses by investors from around the country.

In fact, I will be offering an amendment to enhance these antifraud provisions. This amendment, which incorporates the suggestions made by my colleagues on the other side of the aisle during a legislative hearing in the last Congress, will ensure that individuals who have been disqualified under the “bad actor” disqualification standard, as is listed under current law, are prohibited from using the exemption provided under H.R. 2201, establishing yet an additional layer of investor protection.

Entrepreneurs and small-business owners need access to capital in order to achieve the American Dream. Although small businesses accounted for 99.7 percent of all the businesses in the United States last year, only half of them will survive longer than 5 years, according to our Bureau of Labor Statistics.

Lack of capital or difficulty accessing capital is one of the main causes of failure for many of these small businesses. A 2015 survey conducted by BlueVine found that 75 percent of small and emerging businessowners reported their primary source of funding comes from their own personal finances, followed by banks at 16 percent and family and friends at 6 percent.

While banks and credit unions do their best to offer the funding these businesses need to grow and thrive, there are still 3 million fewer small

business loans made annually, today, than there were before the 2008 financial crisis. H.R. 2201 seeks to build off the success of the Jumpstart Our Business Startups Act of 2012, better known as the JOBS Act, and will continue to spur capital formation for the true job creators and drivers of our country’s economy.

The Micro Offering Safe Harbor Act helps small and emerging companies add another tool to the toolkit, enabling them to confidently find alternative ways of raising these funds without having to pay for costly securities experts and without the fear of lawsuits if they operate within these easy-to-understand parameters.

That is why the Micro Offering Safe Harbor Act is endorsed by the National Small Business Association; the Small Business & Entrepreneurship Council; the National Federation of Independent Business; the Chamber of Commerce; Heritage Action; and Engine, “The Voice of Startups in Government.”

The House approved an identical version of this legislation during the 114th Congress as part of the Accelerating Access to Capital Act, and language similar to H.R. 2201 was included in the Financial CHOICE Act, which was adopted by this Chamber in June.

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

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Minnesota.

Mr. EMMER. Mr. Speaker, the time has come for Congress to come together and help small businesses help themselves by making this important update and improvement to the Securities Act of 1933.

I want to thank Chairman HENSARLING; Capital Markets, Securities, and Investment Subcommittee Chairman HUIZENGA; and all of the staff on the Financial Services Committee for their hard work on this legislation.

Mr. Speaker, I urge my colleagues to support this legislation and hope that both parties will use H.R. 2201 as a way to show their support for more opportunities and better lives for our job creators.

Mr. Speaker, I include in the RECORD letters from the National Small Business Association, the Small Business & Entrepreneurship Council, the United States Chamber of Commerce, Heritage Action for America, and Engine.

NATIONAL SMALL BUSINESS ASSOCIATION.  
Hon. TOM EMMER,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE EMMER: On behalf of the National Small Business Association (NSBA), the nation’s first small-business advocacy organization, with more than 65,000 small-business members representing every state and every industry across the country, I commend your leadership for introducing the Micro Offering Safe Harbor Act (H.R. 2201) as it will have an immediate and direct impact on small businesses looking to raise capital. NSBA has long supported the kind of simplification this legislation would bring for small businesses.

Capital is the lifeblood of any small business, and often small-business owners need

capital at various stages; some at their startup and others later when they are looking to expand. Despite this ongoing need, small-business lending from banks has decreased over the last decade and many small businesses have few options for obtaining capital. According to NSBA’s 2016 Year-End Economic Report, small-business access to capital remains stubbornly unchanged since the previous year, with just 69 percent of small firms reporting they are able to get adequate financing. This drop has real-world implications: 41 percent said lack of capital is hindering their ability to grow their business or expand operations, and 20 percent said they had to reduce the number of employees as a result of tight credit.

Therefore, raising capital through securities is an attractive alternative option for many small-business owners. However, the current regulatory requirements are quite onerous for small businesses, often requiring expensive specialized counsel for even very small securities offerings.

NSBA supports this targeted legislation that creates a safe harbor for small securities offerings which meet requirements clearly identified in the legislation. Under the legislation, these exemptions include offerings in which each purchaser has a substantive pre-existing relationship with the owners, where the issuer has less than 35 purchasers utilizing the exemption in the preceding 12 month period, or where the total amount raised during the preceding 12 month period is less than \$500,000. By creating three safe harbor exemptions for “non-public offerings,” businesses can operate with clarity and a clear conscience knowing that they would be exempted from registering with the Securities and Exchange Commission (SEC). Additionally, the legislation also exempts transactions meeting the specified requirements from state registration requirements, commonly referred to as “blue sky laws.”

Raising capital for small businesses from friends and family already takes place on a regular basis, except those transactions often lack the legal protections and structure of securities law. In addition to expanding access to capital for small businesses, this legislation will bring those transactions under a recognized legal framework, and make resolving disputes that arise much more efficient. Finally, bringing these existing transactions under an existing legal framework will provide a sound legal basis for subsequent larger offerings requiring registration with the SEC.

Access to capital continues to be one of the most pressing issues facing the small-business community. All small businesses need an injection of capital at one point or another, unfortunately in the past several years it has become difficult for small businesses to get the funds they need to grow and expand. NSBA is pleased to support the Micro Offering Safe Harbor Act as it will help small businesses around the country expand and create new jobs in their communities.

Sincerely,

TODD MCCracken,  
President & CEO.

—  
SMALL BUSINESS &  
ENTREPRENEURSHIP COUNCIL,  
Vienna, VA, October 10, 2017.

Hon. TOM EMMER,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE EMMER: On behalf of the Small Business & Entrepreneurship Council (SBE Council) and our nationwide membership of entrepreneurs and small business owners, I am writing to voice our support for the Micro Offering Safe Harbor Act, H.R. 2201.

When it comes to raising capital, the existing regulatory system is onerous and complex. Even for small securities offerings, compliance and navigating the rules are very expensive. H.R. 2201 is a needed solution that makes smart changes to existing law, providing certainty and an effective option for small businesses that need to raise capital.

H.R. 2201 would exempt from registration requirements with the Securities and Exchange Commission (SEC) offerings made only to the entrepreneur's friends and family, to less than 35 purchasers, and when \$500,000 or less is raised. The offering would be exempt from state registration and qualification rules, thus reducing costs and complexity. H.R. 2201 would appropriately scale SEC rules and regulatory compliance for our nation's small businesses, which in turn will provide another practical option for entrepreneurs to raise the capital they need to start or grow their firms.

The United States has much work to do when it comes to fostering capital formation and encouraging investment and entrepreneurship. The Micro Offering Safe Harbor Act is a smart solution that will help many entrepreneurs successfully start and grow their businesses. Thank you for your leadership.

Sincerely,

KAREN KERRIGAN,  
*President & CEO.*

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
*Washington, DC, October 10, 2017.*

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
House of Representatives, Washington, DC.*  
Hon. MAXINE WATERS,  
*Ranking Member, Committee on Financial Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN HENSARLING AND RANKING MEMBER WATERS: The U.S. Chamber of Commerce strongly supports several bills the Committee is scheduled to markup on October 11, 2017. The Chamber appreciates the Committee's ongoing work to enhance capital formation, hold regulators accountable, and reduce red tape burdens upon American businesses and consumers. The Chamber supports the following bills.

H.R. 477, the "Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2017," would simplify Securities and Exchange Commission (SEC) registration requirements for certain mergers and acquisitions (M&A) brokers who perform services related to the transfer of ownership of smaller private companies. The legislation properly balances regulatory relief for brokers and businesses involved in such transactions with important investor protections to prevent abuse. H.R. 477 would require disclosure of relevant information to investors and would not exempt M&A brokers from existing rules designed to prevent those who violate the law from continuing to work in the securities business.

H.R. 1116, the "Taking Account of Institutions with Low Operation Risk (TAILOR) Act of 2017," would direct federal banking regulators to scale rulemakings in order to properly reflect the various risk profiles of financial institutions. One of the unfortunate developments in recent years has been "one size fits all" regulation in the banking sector. This legislation would ensure that community and regional financial institutions are not forced to comply with regulatory regimes more suited for global, interconnected institutions.

H.R. 1585, the "Fair Investment Opportunities for Professional Experts Act," would ex-

pand the definition of "accredited investor" under securities laws by allowing those who can demonstrate relative education or work expertise to invest in certain private offerings, regardless of their income or net worth. In addition to providing Main Street households with greater opportunities to build wealth, H.R. 1585 would expand the pool of capital available to private businesses.

H.R. 1645, the "Fostering Innovation Act of 2017," would extend the Sarbanes-Oxley 404(b) internal controls exemption for certain emerging growth companies (EGCs) from five years to ten. This change would prevent the premature phase out of one of the more popular provisions of the 2012 Jumpstart our Business Startups ("JOBS") Act, and would provide a further incentive for companies to enter public markets.

H.R. 2201, the "Micro Offering Safe Harbor Act," would provide a means for businesses to solicit and raise limited amounts of capital without running afoul of securities laws. Private businesses would be permitted to seek community-based financing of up to \$500,000 per year in order to expand or hire new employees. Importantly, the bill includes a number of robust investor protections that would help prevent fraud and abuse in the market.

H.R. 2396, the "Privacy Notification Technical Clarification Act," would amend the 1999 Gramm-Leach-Bliley Act by clarifying that financial institutions are only required to send customers annual privacy notifications if there have been changes in the institution's privacy policies. It also clarifies that such notices need not be physically provided to a customer if they are made available online at the customer's request. These provisions would save costs for consumers and mitigate confusion related to privacy notices.

H.R. 2706, the "Financial Institution Customer Protection Act of 2017," would help prevent another "Operation Chokepoint" by prohibiting federal agencies from directing a financial institution to terminate an account without a material, documented reason for doing so. This bill would ensure that agencies do not unjustifiably discriminate against certain industries. The bill would also clarify liability under the Financial Institutions Reform, Recovery, and Enforcement Act. A House investigation of Operation Choke Point revealed the Obama administration Department of Justice had radically and inappropriately reinterpreted the law.

H.R. 3299, the "Protecting Consumers Access to Credit Act of 2017," would codify the "valid-when-made" doctrine, which states that the characteristics of a loan are valid at origination, and are not unenforceable when assigned to another party. The recent Second Circuit decision in the Madden vs. Midland Funding, LLC case has undermined this doctrine and threatens to impose a chilling effect on credit markets nationwide. H.R. 3299 would restore the longstanding "valid-when-made" legal principle and protect consumers and businesses that rely on robust credit markets.

H.R. 3312, the "Systemic Risk Designation Improvement Act of 2017," would replace Dodd-Frank's arbitrary asset threshold for labeling a bank "systemically important" with a multi-factor, tailored assessment that considers size, interconnectedness, substitutability, complexity, and cross-jurisdictional. Mid-size and regional banks do not generate systemic risk and are critical to small business lending. By tailoring regulation and rejecting a one-size-fits-all approach, H.R. 3312 would promote Main Street access to credit and unlock economic growth.

H.R. 3857, the "Protecting Advice for Small Savers (PASS) Act of 2017," would repeal the misguided "fiduciary rule" issued by the Department of Labor (DOL) in 2016. The DOL rule was built upon a fundamentally flawed and theoretical analysis that has been refuted by real life experience. A recent Chamber survey demonstrated the harm that DOL's rule is already inflicting upon investors, and we have long called for the SEC to assert its jurisdiction regarding standards of conduct for broker-dealers and investment advisers. H.R. 3857 would rightly direct SEC to craft a rulemaking under the securities laws to protect investors and preserve access to investment choice.

H.R. 3903, the "Encouraging Public Offerings Act of 2017," would allow any company—regardless of size or EGC status—to take advantage of the popular provisions under Title I of the 2012 JOBS Act, which include allowing investors to submit confidential draft registration statements with the SEC and to "test the waters" before filing an IPO. Title I of the JOBS Act has proven to be a true policy success, and Congress and the SEC should continue to explore how more companies can take advantage of its provisions.

H.R. 3911, the "Risk-Based Credit Examinations Act of 2017," would authorize the SEC to utilize "risk-based" examinations of Nationally Recognized Statistical Rating Organizations (NRSROs), which would allow the SEC to focus its limited resources and prioritize its examination agenda, while reducing unnecessary compliance burdens on regulated entities.

H.R. 3948, the "Protection of Source Code Act," would amend the Securities Act of 1933 to require that the SEC actually issue a subpoena before requiring a person or entity to produce trading "source code." Source code is the intellectual property of certain market participants, and there is no reason for the SEC to put into place a broad collection mechanism for such sensitive information. This legislation is necessary after past attempts by the Commodity Futures Trading Commission (CFTC) to collect source code without a subpoena.

H.R. 3972, the "Family Office Technical Correction Act of 2017," would provide certainty for "family offices" defined under securities laws by clarifying that such offices are accredited investors. This bill would preserve the ability of family offices to invest in certain private offerings and help them remain an important source of capital for growing businesses.

H.R. 3973, the "Market Data Protection Act of 2017," would delay any reporting to the consolidated audit trail (CAT) until the SEC, Financial Industry Regulatory Authority (FINRA), and CAT operators develop sufficient cybersecurity protocols to protect the information that is set to be collected under the CAT. Recent cyberattacks have demonstrated that vulnerabilities exist within our capital markets, and H.R. 3973 would help safeguard the personal and sensitive information of market participants. The SEC should also explore alternatives to using personally-identifiable information as part of its data collection efforts under the CAT.

Collectively, these bills would modernize capital markets, preserve consumer choice and access to credit, and require more transparency and accountability of the federal financial regulators. We look forward to working with the Committee and Congress as these bills advance through the legislative process.

Sincerely,

NEIL BRADLEY.



## HERITAGE ACTION FOR AMERICA.

To: Interested Parties  
 From: Heritage Action for America  
 Date: November 7, 2017  
 Subject: Micro-Offering Safe Harbor Act  
 (H.R. 2201)

The Micro-Offering Safe Harbor Act (H.R. 2201) would remove unnecessary regulatory impediments for the smallest businesses seeking to raise capital to launch, to grow and to create jobs. It would create an exemption to the Securities Act registration requirement for businesses that make a securities offering to 35 or fewer people with whom they have a pre-existing relationship and that raise \$500,000 or less. This will reduce the need for main street businesses to retain sophisticated securities counsel and improve their access to capital.

Heritage Action supports this legislation.

ENGINE,

San Francisco, CA, October 11, 2017.

Hon. JEB HENSARLING,  
 Chairman, House Committee on Financial Services,  
 House of Representatives, Washington,  
 DC.

Hon. MAXINE WATERS,  
 Ranking Member, House Committee on Financial Services,  
 House of Representatives,  
 Washington, DC.

DEAR CHAIRMAN HENSARLING AND RANKING MEMBER WATERS: On behalf of Engine and our community of startups, entrepreneurs, investors, and innovators, I write to express support for several bills scheduled for consideration before the House Committee on Financial Services tomorrow. Specifically, Engine reiterates its support for H.R. 2201, the "Micro Offering Safe Harbor Act," which will facilitate capital access for promising startups.

Engine is a nonprofit and advocacy group that supports high-growth, high-tech startups through research, advocacy, and policy analysis. We work to foster and promote forward-looking government policies and a regulatory environment in which entrepreneurs can launch innovative, new companies that grow and thrive. Through conversations with diverse startups across the country, we know that capital access remains a top challenge in getting a business off the ground.

A large portion of startups rely on small, nonpublic offerings (also known as a "private placements"), such as a "friends and family" round, to raise seed capital. In fact, a 2014 survey by the Kauffman Foundation found that over 28 percent of startups raised some amount of funding from their personal network. However, the Securities Act does not clearly define what constitutes a public offering, or conversely, a nonpublic offering, making it easy for early stage companies to unintentionally run afoul of the law when doing a private placement.

H.R. 2201 would create three bright line safe harbor exemptions for non-public offerings. Under the legislation, offerings would be exempt from registration with the Securities and Exchange Commission (SEC) if each purchaser has a substantive pre-existing relationship with the issuer, there are 35 or fewer purchasers, or the amount being raised does not exceed \$500,000. These exemptions would bring much needed clarity for startups and ensure that a company doing a small, private placement is not forced to complete burdensome paperwork or spend precious resources on an expensive lawyer in order to comply with ambiguous regulatory requirements.

Finally, H.R. 2201 would exempt these micro-offerings from state blue sky registration and qualification laws, decreasing the regulatory complexity for startups doing a small raise.

Engine appreciates the Committee's consideration of this bill and its continued work on capital access issues for emerging firms. We look forward to further engagement with the bills' sponsors and Committee members on these important issues.

Sincerely,

EVAN ENGSTROM,  
 Executive Director.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. CICILLINE).

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

I want to begin, Mr. Speaker, by responding to the gentleman from Texas, who began this debate by saying how this was a continuation of an ongoing effort by Republicans to promote progrowth tax reform in particular.

I want to be very clear, Mr. Speaker. The proposal that is currently before this House with respect to the tax changes is a tax scam. It is not a tax plan. It is a scam. It gives \$1.5 trillion in tax cuts to the wealthiest Americans, the biggest corporations, and the millionaires and billionaires. It increases taxes on tens of millions of middle class families. It pays for this big gift back to corporations and billionaires and millionaires by deep cuts in Medicare, Medicaid, infrastructure spending, education—the things that actually create jobs.

It creates additional incentives to ship American jobs overseas, creates incentives for American companies to take jobs here and ship them overseas, not to keep them here in our own country. It is another maybe more robust example of trickle-down economics. It has failed before. It will fail again.

The American people might have the benefit of understanding this more completely if there were actually a process where this was debated, witnesses testified, and experts came in to talk about the implications of this. But this is being done in the dark of night, at the speed of light so the American people won't find out what is about to happen to them. So the idea of describing this as progrowth in this context, both with the provisions and the process, seems, to me, laughable.

Let me just give the American people a couple of examples:

It denies individuals the right to deduct State and local taxes but preserves that right for corporations;

It denies the worker who is forced to leave his home and move because his employer is moving—either do that or he loses his job—from deducting the cost of moving, but it preserves the right of a company who is offshoring jobs overseas to take a deduction for the cost of moving those American jobs overseas.

Those are just two examples. So this isn't a progrowth tax policy. This is trickle-down economics designed to let the people at the very top hold onto more of their money and corporations to keep more of their profits in the hope that it will trickle down to the rest of the American people.

It doesn't work. It doesn't represent a progrowth tax policy. It is a tax scam, and so I want to just correct the record, Mr. Speaker, with all due respect to the gentleman from Texas.

Mr. Speaker, I rise, in addition to that, to express my strong opposition to H.R. 2201, the Micro Offering Safe Harbor Act.

In light of the devastating 2008 financial crisis and the regulatory weaknesses revealed by the Wells Fargo and Equifax scandals, we should be considering legislation that will bolster consumer and investor protections; but today, instead, we are considering H.R. 2201, which will enable abusive financial practices.

Generally, a company that seeks to make public offerings must register them with the Securities and Exchange Commission or must fit into one of several exceptions that are designed to balance investor protections with regulatory burdens on smaller companies. This legislation would allow so-called microcap offerings, offerings valued at \$500,000 or less in a single year to be sold to 35 or fewer investors, subject only to the requirement that each investor have a substantive preexisting relationship with the company.

Despite the similarity of these provisions to some restrictions currently imposed on unregistered security offerings, H.R. 2201 omits several critical investor protections that are characteristic of existing exemptions. In particular, microcap offerings would be exempt from important regulatory protections set up in the 1933 Securities Act, including registration, disclosure, and fraud protections.

Oversight in the smaller offering space such as the one proposed in H.R. 2201 is important because the SEC has found fraud in the microcap stock markets is of increasing concern to regulators, as such markets have proven to be fertile grounds for fraud and abuse.

Without core protections, H.R. 2201 would leave investors vulnerable to an array of investment scams and abuses, with unsophisticated investors particularly at risk. For example, the bill has no restriction on resale. In the past, failure to restrict the resale of unregistered securities has exposed secondary investors to fraudulent pump-and-dump schemes, as the gentlewoman from California mentioned.

Additionally, groups like Americans for Financial Reform, Center for American Progress, and Public Citizen oppose H.R. 2201 because it would enable a type of investment scam known as affinity fraud. In these schemes, scam artists prey upon members of identifiable groups, such as ethnic or religious communities or the elderly, often by enlisting respected community or religious members to help convince victims that a dubious investment is legitimate. The proliferation of affinity fraud in low-income communities demonstrates that H.R. 2201's preexisting relationship requirement would not provide safeguards against such abuse.

Given existing exemptions for smaller companies would provide ample opportunity for companies to raise capital while also protecting investors, H.R. 2201 is, at best, unnecessary. This bill would simply create a loophole that undermines protections against the kind of financial abuses and recklessness that we have already seen damage our financial system and hurt people.

Mr. Speaker, I urge my colleagues to oppose H.R. 2201.

I thank the gentlewoman again for yielding.

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds, just to say, as I listen to the gentleman from Rhode Island and the ranking member, their comments are very interesting, but everything they described is already illegal. Their remarks acknowledge that the SEC can and does bring actions to enforce the securities laws and shut down fraud when they discover the fraud.

Nothing in H.R. 2201 eliminates the DOJ's ability to pursue criminal prosecutions or fraud. Nothing in it impacts the SEC's ability to pursue civil actions against issuers who engage in fraud under section 17(a) of the Securities Act of 1933. It is just a red herring. It is one of the reasons we have had such poor economic growth under the Democratic regime.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. LUETKEMEYER), chairman of the Financial Institutions and Consumer Credit Subcommittee of our committee.

Mr. LUETKEMEYER. Mr. Speaker, I thank Chairman HENSARLING for his leadership on this issue. I also want to thank the gentleman from Minnesota (Mr. EMMER) for taking a lead on this important legislation.

As an elected official, I have the opportunity to interact with individuals across my district who strive to create new or expand existing small businesses. These are folks who work hard to provide for their families and serve as the backbones of their communities.

Unfortunately, for many entrepreneurs, overregulation has stifled their ability to innovate and grow. The National Federation of Independent Business published a recent study showing that 30 percent of small business respondents cited taxes, regulations, and red tape as their most significant business problem.

While certain sectors are reaping the benefits of a strong economy, the reality is that startups and small businesses are sitting on the sidelines with limited access to credit. It is something I hear about from businessmen and -women every single day, be they bankers, retailers, farmers, doctors, and every profession in between.

We also know that many startups and businesses have historically turned to local financial institutions for initial financing. In the years after passage of Dodd-Frank, small bank lending is down dramatically, leaving many

commercial customers scrambling to find other forms of reasonably priced financing.

Across the board, we are enabling a burdensome system that penalizes entrepreneurship. We need to reverse course if we want to see a resurgence of small business creation and growth.

H.R. 2201 is commonsense legislation that seeks to reverse one impediment to entrepreneurship. Mr. EMMER's bill offers a thoughtful approach to a problem that has hindered and, in some cases, prevented small offerings across the Nation. It will appropriately scale Federal rules and regulatory compliance and will allow small businesses to access the capital necessary for growth.

More specifically, this legislation will exempt certain nonpublic micro offerings from the SEC requirements. The bill features guardrails that allow for investor protection and subjects any and all exempted micro offerings to the full suite of Federal and State antifraud laws.

The result will be a less burdensome regulation that stifles innovation and increases access to capital for startups and small businesses that comply with the parameters included in the bill. This bill is about Main Street, about the small-business men and women in each of our districts.

Mr. Speaker, I want to again thank and applaud the gentleman from Minnesota for his hard work on this legislation, and I ask my colleagues to join me in voting in favor of the legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman has 18½ minutes remaining. The gentleman from Texas has 16 minutes remaining.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have laid out this morning exactly how vulnerable groups and individuals can be taken advantage of with legislation like this. I don't know exactly where this legislation originated, but I can almost guarantee you that we are creating opportunities for individuals who don't have the best interest of our constituents at heart to literally get small groups together, 35, I guess, or less, and sell them on ideas where they are raising funds that probably will not result in profits as expected by those who are investing in these schemes.

□ 0945

No, there are no protections. There is no notice. The SEC will not know when and where these schemes are arising. So I would say to my colleagues on the opposite side of the aisle: When are we going to act as if we have the best interests of our constituents at heart? When are we going to be about protecting consumers rather than opening up opportunities for them to be the victims of fraud?

We have fraudulent schemes that are directed at the most vulnerable people. I know where those people who are organizing these schemes will go. They will go to our churches where well-meaning ministers and parishioners will be taken advantage of.

In these vulnerable communities that are always taken advantage of, we have people who are the victims of payday loans where they are paying 400 percent for moneys that they are borrowing when they are desperate in between paychecks. We have rent-to-own schemes. We have all kinds of schemes where these convenience stores, in places where we have food deserts, are charging extremely high prices for food that is basically being sold for regular, ordinary, good prices in other communities.

In some communities, even in California, the gas taxes are rising. We have the rental market that is going off the scale all over this country with people not being able to afford a decent lease or a decent rental space, and so here we are just opening up another opportunity for folks to be ripped off.

It is going to happen; I can guarantee you that. When you have something like this that is passed by the Congress of the United States, it is going to be taken advantage of, and the way that this is constructed, it almost begs to be taken advantage of.

So do you know what happens when this kind of thing takes place and Members of Congress put their reputations on passing this kind of legislation? When the rip-offs start and people are harmed a few years later, then they are going to come back with legislation talking about how they are correcting the fraud and the rip-offs that we caused in the first place.

When is this going to stop? We have a Consumer Financial Protection Bureau that is struggling every day to protect our consumers. Prior to Dodd-Frank, we had our oversight agencies with the responsibility of protecting consumers, but they didn't have any real protection. So Dodd-Frank reforms helped to create opportunities for Members of Congress to be able to protect their consumers and not to be involved in these kinds of schemes.

But the opposite side of the aisle has spent an inordinate amount of time trying to kill off the Consumer Financial Protection Bureau, and they have done it in so many ways. Not only do they come up with amendments time and time again to try and shut down the Consumer Financial Protection Bureau, they treat the Director of the Consumer Financial Protection Bureau so badly that they almost deny him the opportunity to come before our committee and to be heard.

So I don't know whose side legislators are on who create this kind of crap. I don't understand why it is deemed to be important to open up the opportunity for schemes and to not give the SEC the ability to know when they are getting started, to have the



kind of disclosures, and to have the kind of oversight that would protect the most vulnerable people in our society.

Mr. Speaker, yes, this legislation will probably pass today. The Republicans have the majority votes in this Congress, and I suppose they are going to get all of their people to vote for this bill that is going to rip off some of their constituents, and, again, we won't be able to stop it because, again, they have the majority votes.

But I want the people of this country to know and understand what is happening, who is doing it to them, and why they are having a difficult time. At a time when the rental market is going off the scale and they can't afford to pay the first and the last month's rent to get into a place, I want them to know who is creating the difficulties in their lives when their jobs have not increased their pay, they are still trying to have a decent quality of life for their families, despite the fact that the pay does not match the job that they are doing, and they haven't had the pay increases.

When are we going to show that we stand up for the least of these? When your churches get ripped off—and we are working on some of those schemes now where, even with the responsibilities that the SEC has, we have people who are getting ripped off, and here we come with another piece of legislation. Then what we do is we shade it in terms of this is for small business development. Then we hear from the opposite side about all the other companies who started as little-bitty companies in their garage. Well, they all started without this bill. They didn't need this bill to start.

So why are you doing this? Yeah, you are right; there are a lot of companies, and you have named them, particularly in the high tech industries that started, and they had some of their own money to get started with, and maybe the family helped them, I don't know, but they didn't have this legislation. They didn't need this legislation. Nobody needs this legislation.

This legislation is harmful, and I would ask my colleagues to vote against the bill. If there are any Members on the opposite side of the aisle who really are concerned about their constituents, I would ask them to defy their leadership and vote against this bill.

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

Mr. HENSARLING. Mr. Speaker, number one, I was very pleased to hear one of the most compelling indictments of 8 years of the Obama administration I have ever heard on the House floor, and I thank the ranking member for it.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), who is the vice chairman of the Financial Institutions and Consumer Credit Subcommittee.

Mr. ROTHFUS. Mr. Speaker, I thank the chairman for yielding.

Jobs, jobs, jobs. That is why, Mr. Speaker, I rise today to express my support for the Micro Offering Safe Harbor Act.

Whose side am I on? The tens of millions of folks who don't have jobs out there who want job opportunities. We know from some studies that, over the last 8 years of wrong regulation, 650,000 small businesses have not been created. That means 6½ million jobs, 6½ million people who are not paying Medicare tax, and 6½ million people who are not paying Social Security tax. We need these people in the game, Mr. Speaker, and this act can help them get into the game.

This is an important piece of pro-jobs legislation, and I thank my colleague, Mr. EMMER, for introducing it.

We all want our economy to become vibrant once again so it can generate opportunity and prosperity for all Americans. Unfortunately, regulatory burdens—both new and preexisting—often get in the way of raising capital and building a business.

At hearing after hearing at the Financial Services Committee, we have heard from financial institutions that are unable to lend to small businesses or are afraid to do so. We have also heard from businesses that cannot find the capital they need to expand or to retool. All of this has an impact on jobs and wages as well as on our overall economy.

The Micro Offering Safe Harbor Act is a targeted, commonsense bill that will make it easier for small businesses to access capital that they need to grow.

Specifically, H.R. 2201 will permit businesses to issue a limited number of securities to individuals with whom principals have a preexisting relationship. This would include family and friends who are often early investors in startups.

Businesses will only be able to issue a small amount of securities—\$500,000 a year—but that is a step in the right direction toward helping businesses that need funding.

This is good policy that will make it easier for small businesses to get off the ground, grow, and add jobs.

At the same time, this bill ensures that our regulators can continue to police fraud and abuse, and to do so aggressively. On that point, there is no ambiguity. Fraud is illegal, and it will not be tolerated or excused.

Again, I strongly support the Micro Offering Safe Harbor Act. It is good for the economy and good for hardworking Americans. It is good for jobs, jobs, jobs.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by allowing entities to sell unregistered securities based solely on a preexisting relationship with the investor, H.R. 2201 would create a road map for affinity fraud.

Affinity fraud is a type of investment scam where swindlers prey upon members of identifiable groups such as ethnic or religious communities or the elderly. Often, affinity fraudsters take advantage of preexisting relationships to engender trust and convince victims that a dubious investment is legitimate.

The Securities and Exchange Commission has found that such frauds pose heightened risks to investors because they can be difficult for regulators or law enforcement officials to detect, particularly where the fraudsters have used respected community or religious leaders to convince others to join the investment.

The following cases represent a sampling of recent affinity fraud actions from around the United States.

In August, 2013, the SEC halted an offering fraud scheme where Steven Bruce Heinz, a Utah resident purporting to be an investment adviser, sold phony investment contracts to more than 15 of his former clients, family members, and friends. According to the SEC's complaint, Heinz raised \$4 million in investor funds he used to engage in high-risk trading of future contracts and to pay his own personal expenses such as family vacations to Mexico and a \$600,000 loan.

Among the investors taken in by Heinz scam was "the recent widow of a church associate of Heinz who invested with Heinz after he volunteered to assist her with her finances and investments after her spouse died."

In 2012, the SEC stopped a \$7.5 million fraud operation targeting the Persian-Jewish community in Los Angeles. The SEC's assistant regional director stated that Shervin Neman "deceived members of his own community to raise money in this fraudulent Ponzi scheme. By exploiting investors' trust in him, Neman was continually able to raise more money to pay back existing investors and finance an extravagant lifestyle."

According to the SEC's complaint, among other things, Neman spent investor funds to pay for his wedding and honeymoon, his wife's engagement ring, luxury cars, and VIP tickets to entertainment venues.

In 2015, the SEC permanently barred John Allan Russell from the securities industry after Russell pled guilty to securities fraud in Colorado State court. The SEC's administrative law judge found that Russell obtained almost \$300,000 by selling debt securities to an elderly victim who suffered from dementia and Alzheimer's disease. The ALJ also determined that "Russell's scheme may have involved affinity fraud because the misconduct began a few years after the victim acted as Russell's godfather at his baptism."

These cases demonstrate that H.R. 2201's preexisting relationship requirement would not provide any meaningful deterrent against abuse. On the contrary, it would encourage opportunistic conduct targeting communities.

Mr. Speaker, I urge my colleagues to join me in voting “no” for this bill.

Given all that the SEC is able to do, they can’t keep up with these schemes, and now you are going to open up the door for them to have to wrestle with trying to help people who are victims of these kinds of schemes.

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

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. TIPTON), who is the vice chairman of the Oversight and Investigations Subcommittee.

□ 1000

Mr. TIPTON. Mr. Speaker, I rise today to join my colleagues in support of the gentleman from Minnesota’s legislation, the Micro Offering Safe Harbor Act.

As I have traveled through my district back in Colorado, I have often been dismayed by the ever-increasing number of storefronts, once thriving businesses, which now have “for sale” and “for lease” signs out front.

Small businesses are essential to job creation and job innovation, but they have been so hamstrung by the burden of compliance with regulations intended for large public companies that their ability to be able to create jobs and innovate has been stifled.

The Micro Offering Safe Harbor Act will exempt certain micro offerings from the registration requirements of the Securities Act of 1933, thereby removing obstacles to obtaining funding in capital markets for Main Street businesses. It is hard for capitalism to work, Mr. Speaker, without capital.

This legislation tackles that problem and creates opportunities for hard-working small businesses to be able to go public to raise that initial capital in the early stage and to be able to develop that seed capital that is needed. Growth is often contingent on capital. Without investment, it is easy for small businesses to falter.

By defining the “nonpublic offering” exemption under the Securities Act, this legislation will provide small businesses with much-needed clarity and a renewed confidence in what the proper procedure is for a nonpublic offering that does not violate the law and helps to be able to grow businesses.

Removing this confusion will provide small businesses with much-needed certainty and allow them to be able to focus their resources on growth, rather than on compliance.

For this reason, I support the measure that is before us today, and I would encourage my colleagues to do the same. I commend Mr. EMMER for introducing this legislation to alleviate the burdensome compliance environment that is imposed on small businesses. Again, I encourage my colleagues to support this legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the North American Securities Administrators Association

sent this letter of concern. They said that H.R. 2201 would result in an overly broad Federal exemption that would allow public solicitation and sales to any investor, regardless of sophistication or financial wherewithal, subject only to the requirement that there be a previously existing relationship, a standard that is not difficult to establish.

In practical terms, this means that Main Street investors could be solicited and sold up to \$500,000 in private security by bad actors, including persons having been convicted of crimes or subject to one or more previous State enforcement actions, without any disclosure to the investor and without any notice to State or Federal regulators.

There is no valid basis for Congress to prevent State officials charged with protecting their constituents from making decisions about purely local or regional issues that would rely on the exemption established by H.R. 2201.

Further, preemption of State review or even notification for the type of small, localized offerings contemplated by H.R. 2201 would effectively handcuff the regulators best positioned to oversee such offerings.

Public Citizen said this bill “would permit small offerings with no investor protections, such as notice of the offerings. It will enable a type of affinity fraud, where the seller can unload dubious securities, provided there is some relationship between seller and purchaser. This bill assumes that a pre-existing relationship will deter abuse, which is a tenuous foundation, at best. Further, the relationship can begin with the offer.”

They don’t have to have a previous relationship. It would start when the offer takes place.

Public Citizen further stated that “the bill says the relationship must only exist before the purchase.”

Mr. Speaker, I include in the RECORD letters from these groups, as well as a letter from Americans for Financial Reform.

NORTH AMERICAN SECURITIES  
ADMINISTRATORS ASSOCIATION, INC.,  
Washington, DC, November 7, 2017.

Re H.R. 2201—The Micro-Offering Safe Harbor Act.

HON. PAUL RYAN,  
Speaker, House of Representatives,  
Washington, DC.

HON. NANCY PELOSI,  
Democratic Leader, House of Representatives,  
Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: On behalf of the North American Securities Administrators Association (“NASAA”), I write to express concern and raise specific objections to certain provisions of H.R. 2201, The Micro-Offering Safe Harbor Act, which is scheduled to be considered by the House of Representatives this week. The legislation would amend securities laws in ways that could be profoundly detrimental to investors, and detract from the viability of the marketplace for offerings from new or smaller issuers that are compliant with securities law.

The Micro-Offering Safe Harbor Act amends Section 4 of the Securities Act of

1933 to create a new exemption from registration. To qualify for the exemption, an offering would have to meet certain criteria regarding the number of purchasers, their relationship to the issuer, and the amount of capital raised. However, as more fully discussed below, the legislation fails to include critical investor protection measures and would preempt state regulatory authority.

State securities regulators understand the need of small businesses to efficiently raise capital and the role strong investor protection plays in facilitating this goal. Unfortunately, the changes embodied in H.R. 2201, while well intended, are ill-advised and potentially quite dangerous. For example, unregistered securities purchased under the exemption established by H.R. 2201 would not be “restricted,” and could thus be sold immediately, exposing investors to classic “pump and dump” schemes. Furthermore, NASAA is aware of no evidence to support the proposition that Congress should create a “safe harbor” to permit unregistered securities offerings to be offered and sold, including through general solicitation, regardless of investor sophistication or financial wherewithal. Even as the bill stands to introduce new and totally unnecessary risk into securities markets—failing to even disqualify “bad actors” from these markets—the goal of the legislation remains unclear and its necessity is, at best, not well-established. It is clear, however, from the terms of the exemption, and its failure to impose even the modicum of regulatory oversight that exists for similar “private” offerings under SEC Regulation D Rule 506, that offerings made under the new exemption are likely to be disproportionately risky and illiquid. This fact alone should be cause for concern by Congress.

Beyond stark new risks to investors, this legislation threatens to jeopardize the continued viability of established markets geared to smaller issuers, many of which operate lawfully within existing federal and state securities laws. Such markets include securities sold pursuant to SEC Rule 506, new federal exemptions established by the JOBS Act, and exemptions adopted in many states to permit intrastate crowdfunding. Without effective investor protection measures a potential effect of H.R. 2201 could be to cause investors to abandon the markets for smaller issues.

In closing, NASAA reiterates strong opposition to the preemption of state registration and notice filing authority in H.R. 2201. There is no valid basis for Congress to prevent states from making decisions about the local or regional issues that H.R. 2201 seeks to encourage. Failure to register or at the very least, to notice file with state regulators results in unknown sales, by unknown actors of unknown enterprises and result in no gatekeeper function to protect retail investors whose only source of recourse for fraudulent sales are the state securities regulators. At a minimum H.R. 2201 should:

- 1) Include bad actor disqualifications;
- 2) Establish a holding period to reduce the likelihood of “pump and dump” schemes;
- 3) Provide at least a notice filing with state regulators so that in the event of a fraudulent offering, state regulators can begin an investigation to try and protect retail investors;
- 4) Limit the sale amount to retail investors so that investors are not “encouraged” to place all their eggs in one basket; and
- 5) Prohibit or restrict general solicitation of what are clearly high risk securities.

Thank you for your consideration of NASAA’s views.

Sincerely,

JOSEPH P. BORG,  
NASAA President and Alabama  
Securities Director.

PUBLIC CITIZEN,  
November 7, 2017.

Hon. MEMBER,  
House of Representatives,  
Washington, DC.

DEAR HONORABLE MEMBER: On behalf of more than 400,000 members and supporters of Public Citizen, we urge you to vote "NO" on three bills coming to the floor this week that would weaken financial protections that were put in place to protect American consumers. HR 3911 and HR 2148 will be considered under suspension. HR 2201 will be considered under regular order.

H.R. 2148, CLARIFYING COMMERCIAL REAL  
ESTATE LOANS

This bill would reduce the capital requirements for High Volatility Commercial Real Estate (HVCRE). During the recent financial crisis, this sector caused major losses, especially at smaller banks. The U.S. Government Accountability Office (GAO) found that failures of small banks "were largely driven by credit losses on commercial real estate (CRE) loans, particularly loans secured by real estate to finance land development and construction." Further, this sector has grown rapidly in recent years, raising further concerns about prudential lending standards. We must assure that this type of lending remains properly capitalized to prevent against failures that could become economic contagions.

H.R. 2201, MICRO OFFERING SAFE HARBOR ACT

This bill removes basic protections from offering securities provided that the purchasers have a preexisting relationship with an officer, director, or shareholder with 10 percent or more of the shares of the issuer, and the aggregate amount of all securities sold by the issuer does not exceed \$500,000 during a 12-month period. This would permit small offerings with no investor protections, such as a notice of the offering. It will enable a type of affinity fraud, where the seller can unload dubious securities provided there is some relationship between seller and purchaser. The bill assumes that a pre-existing relationship will deter abuse, which is a tenuous foundation, at best. Further, the relationship can begin with the offer. The bill says the relationship must only exist before the purchase. Finally, the bill pre-empts state regulatory oversight. Removing supervisors closest to potential problems is unwise and leaves small investors exposed to exploitation.

H.R. 3911, RISK-BASED CREDIT EXAMINATIONS  
ACT OF 2017

This bill would allow the Securities and Exchange Commission (SEC's) Office of Credit Ratings (OCR) to reduce its oversight of nationally recognized statistical rating organizations (NRSROs), also known as credit rating agencies. Credit rating agencies essentially sold their high marks to large banks that were securitizing loans, a major factor leading to the financial crash of 2008. In response to the inflated credit ratings for otherwise toxic securitizations, Congress mandated creation of the OCR and directed it to conduct annual examinations of each NRSRO and make its reports public. It must examine eight areas: (i) whether the NRSRO conducts business in accordance with its policies, procedures, and rating methodologies; (ii) the management of conflicts of interest by the NRSRO; (iii) the implementation of ethics policies by the NRSRO; (iv) the internal supervisory controls of the NRSRO; (v) the governance of the NRSRO; (vi) the activities of the Designated Compliance Officer (DCO) of the NRSRO; (vii) the processing of complaints by the NRSRO; and (viii) the policies of the NRSRO governing the post-employment activities of its former per-

sonnel. This bill would allow the SEC to reduce these categories of inspection to save staff resources. The answer is not to reduce inspections, but to increase the funding for the SEC.

These bills fail to advance investor interests or the safety of the market. Instead, they move in the opposite direction, ignoring the financial trauma from which Main Street is still recovering.

Sincerely,

PUBLIC CITIZEN.

AMERICANS FOR FINANCIAL REFORM,  
Washington, DC, November 8, 2017.

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform (AFR), we are writing to urge you to vote against H.R. 2201, which is being considered on the House floor today. This legislation would remove crucial investor protections and open the door to affinity fraud in private securities offerings.

The registration requirement under the Securities Act of 1933 has two basic objectives: to allow investors access to information they need to evaluate the securities being offered and "to prohibit deceit, misrepresentations, and other frauds in the sale of securities."

H.R. 2201 would create needless exemptions from those key protections for so-called "micro-cap offerings"—i.e., offerings valued at \$500,000 or less in a single year. This legislation would allow micro offerings to be sold to financially unsophisticated and lower income investors, provided only that the investors have a "pre-existing relationship" with an officer, director, or major shareholder of the issuer. These conditions alone do not represent any protection for investors, nor do they guarantee access to minimum essential information to evaluate a private offering and make an informed decision about it.

H.R. 2201 would dismantle the protections afforded to small-dollar-amount investors by the Securities Act of 1933. Those protections include some minimal disclosures, transparency standards, and access to the information necessary to evaluate potentially risky and illiquid private offerings. The legislation would also eliminate restrictions on rapid sale of the securities, exposing investors in the small offerings market to potential "pump and dump" schemes.

As the state securities administrators (NASAA) point out in their opposition letter to this bill, H.R. 2201 also obstructs primary regulators by preempting state regulatory authorities. This legislation does not include any: limits on purchaser sophistication (e.g. the securities could be sold to non-accredited investors), measures to prevent offerings by bad actors, restrictions on secondary sales, or prohibition on general solicitation. This disturbing lack of protections would permit bad faith actors to direct shady private securities to investors.

Affinity frauds and Ponzi schemes are typically carried out by individuals who are members of the group or community they are trying to defraud—i.e., those with a "pre-existing relationship" with others in their group. Similarly, the SEC's red flags for Ponzi schemes include secretive investments and "investments that are not registered with the SEC or with state regulators." By permitting the sale of unregistered securities not subject to state regulation within groups of investors with a "pre-existing relationship", H.R. 2201 would facilitate affinity fraud and Ponzi schemes.

Congress should not support statutory exemptions that loosen restraints on fraudsters. We urge you to reject this bill.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

Ms. MAXINE WATERS of California.  
Mr. Speaker, I don't understand why

Members of Congress would disregard what the State regulators are saying. State regulators are saying: Don't do this. Don't preempt us. Don't pass legislation that would undermine our ability to protect your constituents.

Yet they are ignoring this altogether. I know that they received this information. I know that they know that the association had cautioned against this legislation. Let me just make sure that everybody knows. It is the North American Securities Administrators Association. They represent all of the States in cautioning against this legislation.

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

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds just to say I heard the word "protection" often used by my friend, the ranking member, but she and her friends on the other side of the aisle had 10 years to protect paychecks, protect savings, and protect economic opportunity and the American Dream, and they failed miserably.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DAVIDSON), a member of the Financial Services Committee.

Mr. DAVIDSON. Mr. Speaker, I thank Mr. EMMER for his leadership on this bill.

As a small businessman, prior to coming to Congress, I have raised capital for startups, and I can tell you that one option is no option.

I can tell you that the regulatory framework, particularly made worse by Dodd-Frank, is crippling access to capital for small- and medium-sized businesses. This is a very important thing.

One option is no option, and it is great to have this for small, early-stage companies that are trying to raise capital in private placements. Right now, most of this is done for accredited investors.

Effectively, this protects deal flow for people that are already wealthy. It locks people out of access to capital. Importantly, for the entrepreneur, sometimes in disadvantaged communities, they don't have this vast network of accredited investors to go to. They don't know how to access the SEC. They certainly don't have the time or money to spend working with the SEC on regulation. They have a business to grow. They need to have access to their friends and family and this early-stage capital to come in. \$500,000 isn't much, but it is a start.

I hope that we can not just secure this win, but grow the protections, so that we can raise even more capital in this way.

Mr. Speaker, I urge my colleagues to support this bill.

Ms. MAXINE WATERS of California.  
Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOLLINGSWORTH), another member of the Financial Services Committee.

Mr. HOLLINGSWORTH. Mr. Speaker, I thank the chairman for yielding.

I, too, stand in strong support of this legislation.

A recent poll out by Ernst & Young showed that millennials are starting businesses at a rate that is only one-third of prior generations. When asked why they are not starting businesses, those millennials responded that they have insufficient financial means in order to start businesses, despite a deep desire and will to start businesses. Over 78 percent said that they wanted to start a small business eventually, but they had insufficient means to do so. This bill starts to rectify that problem.

Those millennials could go to expensive and fancy investment bankers, but that is prohibitively expensive. Who they are going to turn to are their friends and family, those who most believe not only in the product, but in themselves.

I want to see us enable small businesses to get started back home. That is what I continue to hear as I go door to door in the district and as I talk to people. They want to be in control of their financial future. They want to have all of the opportunities that were afforded to their parents and their grandparents.

This bill begins to push back against a regulatory environment that has for too long smothered opportunity in Indiana in favor of more opportunity in D.C. We must rectify that. This legislation goes a long way towards that.

I am supportive of the legislation, supportive of small businesses back home, and supportive of the many Hoosiers who want to start small businesses.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. NORMAN), he is not a member of the Financial Services Committee, but we would be proud if he were.

Mr. NORMAN. Mr. Speaker, as I listen to my liberal colleagues, the answer to every business is more government, more regulations. The American people are rejecting that.

As a small-business owner, I can tell you the stifling effects of overregulation. That is what this bill takes away. That is what this bill accomplishes.

So I strongly support H.R. 2201, the Micro Offering Safe Harbor Act. This bill is a critical step to reduce unnecessary burdens on economic growth and ensure that small businesses have access to the capital they need. I applaud Representative EMMER for championing this legislation.

As a member of the House Small Business Committee and a businessman myself, I understand the need of the number of challenges faced by small businesses, especially if that business wants to grow through tapping into the capital markets. Due to onerous SEC

regulations, the cost of registration is expensive and out of reach for so many of the businesses wanting to expand.

We all know that the SEC provides an important function, which is to prevent securities fraud and protect the integrity of the market. However, we must be wary of a regulatory regime that fails to provide sufficient flexibility for businesses to raise capital while not providing any additional protection for investors.

The central purpose of H.R. 2201 is to strike the proper balance between protection and investment. The bill achieves this objective through empowering businesses to sell a limited number of securities to a limited numbers of investors without needing to comply with a number of SEC registration requirements.

Also, it is important to note that this narrowly tailored exemption only applies to investors that have substantive preexisting relationships with businesses.

Finally, nothing in this bill undermines existing investor protections. Fraud is still illegal and the SEC and the Department of Justice has the authority to prosecute bad actors.

I urge my colleagues to support this important legislation to implement a commonsense solution and stimulate small business growth.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. DUFFY), the chairman of the Housing and Insurance Subcommittee.

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

Mr. Speaker, I thank Mr. EMMER, my colleague and friend from the neighboring State of Minnesota, for offering such a commonsense piece of legislation.

I frequently hear horror stories of fraud and abuse. All of us stand against fraud and abuse. I have a news flash for everybody: This law doesn't change that fraud is illegal. It was illegal before this bill and it will be illegal after this bill. Fraud is illegal.

All we are doing is saying we are going to keep the promise that all of us say that we have to small entrepreneurs and startups to make sure that they get seed capital and make sure they can thrive and grow and create jobs in our community.

All we are trying to do is give clarity to what constitutes a nonpublic offering. What is wrong with clarity? What is wrong with bright lines that they know that they can operate in between without violating the rule?

This is simple. It is straightforward, it is common sense, and it supports everything we say we support, which is small businesses, and I think this is a great piece of legislation.

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

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Wisconsin.

Mr. DUFFY. I would ask all of my colleagues to stand together. Let's not play partisanship with the smallest businesses in our communities, the ones that we both agree create jobs. This is a time for unity. Let's work together, especially when it is common sense.

I love the passion from the ranking member, but on this one, it is passion without a cause. It makes sense. It gives bright lines.

Let's stand up for small businesses that create jobs in our community. Mr. EMMER's bill does that. I ask us all to stand up and support small businesses and this bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

For my colleagues on the opposite side of the aisle who are bemoaning the fact that small businesses don't have access to capital, they have these relationships with all of these big banks.

Why don't they get to the big banks and tell them they ought to be making loans to small businesses?

□ 1015

I don't hear them, as a part of, you know, their rhetoric, talking about how many of the big banks are not being responsible. And so my colleague on the opposite side of the aisle and my friend talk about what is common sense. I tell you what is common sense. Common sense is not to place vulnerable people in a position where they are going to get ripped off.

Mr. Speaker, H.R. 2201 is a harmful bill that would simply serve as an invitation for investment scams. The bill fails to take into account the numerous other exemptions we have for small-dollar offerings, including under regulation D, regulation A, and crowdfunding rules. These exemptions already permit small businesses to raise capital while also protecting against fraud.

In light of these exemptions, there seems to be no reasonable explanation for the amount of legislative effort that has been wasted on this bill. Instead of H.R. 2201, which is unwarranted and may actually harm investors and the integrity of our markets, the House should be focused on passing legislation that can actually improve the lives of the Americans whom we serve.

Mr. Speaker, I urge my colleagues to vote "no" on H.R. 2201. Don't be a part of enacting one more scheme that is going to rip off our constituents, and then, you know, a few years later, come back here and talk about what a terrible thing it is that people are being ripped off by these investors, some of them who are criminals, but nobody knows it. The disclosure does not have to take place. They don't know that they have people who have already been involved in crimes who are coming to them talking about: let me help you earn some profits on this investment.

We know better. Common sense tells us better. If, in fact, we are committed to the proposition that we have a responsibility to protect our constituents from rip-offs, from fraud, from being taken advantage of, we will not support this bill. And I would hope that my friends on the opposite side of the aisle, despite how far they have gone in trying to represent that this bill is something that it is not, would at least change their minds today and support their constituents and vote “no” on this bill.

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

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

Mr. Speaker, as always, I listen very carefully to my friend, the ranking member. I know that she started off her closing remarks by saying: We don't need this bill, H.R. 2201, because the big banks can loan to the small businesses.

Well, that is fascinating to me, Mr. Speaker, because of the Dodd-Frank Act, which she so jealously supports, all of a sudden, the risk-based capital standards say that the banks have to reserve more for small business loans than they do for sovereign debt and municipal debt.

So all of a sudden, it is because of Dodd-Frank. In addition, we know that the ranking member supports the Federal Reserve policy of paying interest on excess reserves where the Federal Reserve takes taxpayer money to pay the big banks not to loan money. So if the ranking member was curious why the big banks aren't loaning to the small businesses, which they aren't—and prior to the Trump administration, we know that small business lending by banks was at a 25-year low—it is the very reason, Mr. Speaker, that we need the bill, the legislation of the gentleman from Minnesota (Mr. EMMER) so that we can unlock this.

Again, there is no surprise why, after 8 years of Obamanomics and the thinking from my friends on the other side of the aisle, small businesses have languished and why the economy has dropped down to a 1½ to 2 percent GDP growth. In fact, I think President Obama is one of the few Presidents in American history never to enjoy a year of 3 percent economic growth.

Now, he may personally have enjoyed it, but the American people didn't, Mr. Speaker. But the good news is that there is a change in administration and a change of attitude. That is why it is so important that we be able to get capital to our entrepreneurs, to our small businesses. Let them thrive again on Main Street.

We hear so often the ranking member decry Wall Street. We are talking about offerings of a half a million dollars. No one in Wall Street would touch that with a 10-foot pole. This is about Main Street, not Wall Street, Mr. Speaker.

It is interesting, as I listen to my friend, the ranking member, decry the

fact that someone might be able to raise capital under this particular set of circumstances. Well, I have a news flash for all my colleagues. Already the SEC can grant a private offering for exactly the set of circumstances that my friend, the gentleman from Minnesota, puts into his bill. All the gentleman is doing is creating a bright line, safe harbor, so that the next Nike or the next Amazon isn't stopped from launching their enterprise by having to spend a million dollars on lawyers and accountants trying to navigate this uncertain murky labyrinth of SEC waters trying to determine what is a private offering and what is a public offering. That is all he is doing.

Again, this is already legal. It simply is discretionary to decide what is a private offering and what is a public offering by the Securities and Exchange Commission.

We now, Mr. Speaker, have had two quarters of 3-plus percent economic growth. We are seeing working Americans. We are seeing their paychecks increase yet again. We are seeing hope and resilience in the American Dream yet again, but we have so much more work to do, and that is why H.R. 2201 is so critical.

It takes small businesses today to be the big businesses of tomorrow. They are the creators. They are the job engine of America. They are the drivers of increased paychecks, greater economic opportunity, and a bigger, bolder American Dream. I thank the gentleman from Minnesota for this great legislation. I encourage all of my colleagues to adopt it.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. EMMER

Mr. EMMER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 14, strike “The transactions” and insert the following:

“(1) IN GENERAL.—The transactions”.

Page 3, line 19, strike “(1)” and insert “(A)” and adjust the margin 2 ems to the right.

Page 3, line 24, strike “(2)” and insert “(B)” and adjust the margin 2 ems to the right.

Page 4, line 5, strike “(3)” and insert “(C)” and adjust the margin 2 ems to the right.

Page 4, line 10, strike the quotation mark and final period and insert after such line the following:

“(2) DISQUALIFICATION.—

“(A) IN GENERAL.—The exemption provided under subsection (a)(8) shall not be available for a transaction involving a sale of securities if any person described in subparagraph (B) would have triggered disqualification pursuant to section 230.506(d) of title 17, Code of Federal Regulations.

“(B) PERSONS DESCRIBED.—The persons described in this subparagraph are the following:

“(i) The issuer.

“(ii) Any predecessor of the issuer.

“(iii) Any affiliated issuer.

“(iv) Any director, executive officer, other officer participating in the offering, general partner, or managing member of the issuer.

“(v) Any beneficial owner of 20 percent or more of the issuer's outstanding voting equity securities, calculated on the basis of voting power.

“(vi) Any promoter connected with the issuer in any capacity at the time of such sale.

“(vii) Any investment manager of an issuer that is a pooled investment fund.

“(viii) Any person that has been or will be paid (directly or indirectly) remuneration for solicitation of purchasers in connection with such sale of securities.

“(ix) Any general partner or managing member of any such investment manager or solicitor.

“(x) Any director, executive officer, or other officer participating in the offering of any such investment manager or solicitor or general partner or managing member of such investment manager or solicitor.”.

The SPEAKER pro tempore. Pursuant to House Resolution 609, the gentleman from Minnesota (Mr. EMMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

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

Mr. Speaker, the amendment I am offering today will enhance antifraud and consumer protections for small businesses and startups seeking to take advantage of the micro offering exemption outlined in the underlying bill.

While the legislation itself requires three specific criteria to be met simultaneously in order to trigger a safe harbor exemption for a security offering, my amendment adds an additional layer of protection to further safeguard investors from bad actors.

Specifically, my amendment prohibits the exemption from being available for those who have been disqualified under the bad actor disqualification standard established by the SEC. This language was included with the support of my colleagues from both sides of the aisle during consideration in committee in the 114th Congress, and I am hopeful they will support its inclusion again in the 115th.

I want to reiterate that nothing in the base text of this bill erodes or limits the ability of Federal or State regulators to prosecute fraud, nor would it prevent private common law causes of action for fraud or breach of contract between the interested parties.

This amendment builds upon these existing protections and drives home the point that the Micro Offering Safe Harbor Act is purely focused on helping our small businesses and entrepreneurs access the tools they need to grow and create jobs in an orderly and legal manner.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I claim the time in opposition to the amendment, even though I am not opposed.

The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. MAXINE WATERS of California. Mr. Speaker, under the current language of H.R. 2201, investors could be sold private securities by persons who have committed fraud or have violated security laws. Representative EMMER's amendment purports to add a layer of investor protections by adding a provision to so-called disqualify certain bad actors from utilizing the exemption.

While I applaud Mr. EMMER's attempt to add this most basic guardrail to a bill that otherwise creates an unmitigated safe harbor for fraudsters, I wonder why this provision was dropped from a similar bill that Mr. EMMER introduced last Congress.

Unfortunately, this amendment is woefully inadequate to address the otherwise dangerous new exemption created by H.R. 2201. Because the underlying bill requires no disclosure to investors and imposes no obligation to notify regulators of the offering, even if amended, H.R. 2201 would lead convicted fraudsters and lawbreakers to police themselves.

Moreover, the bill ties the hands of State securities regulators, who are the primary watchdogs over small, local securities offerings. If enacted, H.R. 2201 would leave a gaping hole in oversight of the very offerings it permits.

H.R. 2201 is a misguided attempt to support small businesses that is not meaningfully improved by the meager protections of this amendment. For these reasons, I continue to oppose this bill, and I urge all of my colleagues to vote "no" on H.R. 2201.

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

Mr. EMMER. Mr. Speaker, I will close at this point.

Mr. Speaker, I want to thank the ranking member for her encouragement and her compliments, and I want to just point out that the Micro Offering Safe Harbor Act was actually improved as a direct result of the ranking member's suggestions.

So, again, I want to thank her for her compliments here today, her encouragement in helping us make this an even better bill for entrepreneurs and small businesses across the country. At this point, I would encourage support for the amendment.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I would like to warn the Members of this House not to take the compliments seriously that are being given by the gentleman who would have you believe that somehow I have totally embraced this amendment because I think it is going to change the fact that there is no disclosure to those who would be investing and no notice to the SEC.

So don't take him seriously when he talks about thanking me for encouraging and embracing. I have not done that. I am going to tolerate this amendment. It is late. It doesn't do

what he says it is going to do. The bill is still a bad bill. It is a bill that is going to harm people. It is a bill that targets the most vulnerable people in our society. It is a bill where fraudsters are going to go into churches and convince ministers and parishioners that they are out to help them.

Members of Congress, do the right thing. Today, stand up against another attempt by misguided folks who would have you believe that they are helping people when, in fact, they are opening up opportunities for them to be ripped off one more time, ripped off in ways that could have been avoided.

Mr. Speaker, I oppose this bill. I ask everybody to vote against this bill.

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill and on the amendment offered by the gentleman from Minnesota (Mr. EMMER).

The question is on the amendment by the gentleman from Minnesota (Mr. EMMER).

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.

Ms. MAXINE WATERS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 194. An act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 3243. An act 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.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 10 o'clock and 30 minutes a.m.), the House stood in recess.

□ 1044

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 10 o'clock and 44 minutes a.m.

#### MICRO OFFERING SAFE HARBOR ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage 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, and for other purposes, 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 passage of the bill.

The vote was taken by electronic device, and there were—yeas 232, nays 188, not voting 12, as follows:

[Roll No. 622]

YEAS—232

Abraham	Faso	Loudermilk
Aderholt	Ferguson	Love
Allen	Fitzpatrick	Lucas
Amash	Fleischmann	Luetkemeyer
Amodel	Flores	MacArthur
Arrington	Fortenberry	Marchant
Babin	Fox	Marino
Bacon	Franks (AZ)	Marshall
Banks (IN)	Frelinghuysen	Massie
Barletta	Gaetz	Mast
Barr	Gallagher	McCarthy
Barton	Garrett	McCaul
Bergman	Gianforte	McClintock
Biggs	Gibbs	McHenry
Bilirakis	Gohmert	McKinley
Bishop (MI)	Goodlatte	McMorris
Bishop (UT)	Gosar	Rodgers
Black	Gowdy	McSally
Blackburn	Graves (GA)	Meadows
Blum	Graves (LA)	Meehan
Bost	Graves (MO)	Messer
Brady (TX)	Griffith	Mitchell
Brat	Grothman	Moolenaar
Brooks (AL)	Guthrie	Mooney (WV)
Brooks (IN)	Handel	Mullin
Buchanan	Harper	Newhouse
Buck	Harris	Noem
Bucshon	Hartzler	Norman
Budd	Hensarling	Nunes
Burgess	Herrera Beutler	Olson
Byrne	Hice, Jody B.	Palmer
Calvert	Higgins (LA)	Paulsen
Carter (GA)	Hill	Pearce
Carter (TX)	Holding	Perry
Chabot	Hollingsworth	Pittenger
Cheney	Hudson	Poe (TX)
Coffman	Huizenga	Poliquin
Cole	Hultgren	Posey
Collins (GA)	Hunter	Ratcliffe
Collins (NY)	Issa	Reed
Comer	Jenkins (KS)	Reichert
Comstock	Jenkins (WV)	Renacci
Conaway	Johnson (LA)	Rice (SC)
Cook	Johnson (OH)	Roby
Costello (PA)	Johnson, Sam	Roe (TN)
Cramer	Jordan	Rogers (AL)
Crawford	Joyce (OH)	Rogers (KY)
Culberson	Katko	Rohrabacher
Curbelo (FL)	Kelly (MS)	Rokita
Davidson	Kelly (PA)	Rooney, Francis
Davis, Rodney	King (IA)	Ros-Lehtinen
Denham	King (NY)	Roskam
Dent	Kinzinger	Ross
DeSantis	Knight	Rothfus
DesJarlais	Kustoff (TN)	Rouzer
Diaz-Balart	Labrador	Royce (CA)
Donovan	LaHood	Russell
Duffy	LaMalfa	Rutherford
Duncan (SC)	Lamborn	Sanford
Duncan (TN)	Lance	Scalise
Dunn	Latta	Schweikert
Emmer	Lewis (MN)	Scott, Austin
Estes (KS)	LoBiondo	Sensenbrenner
Farenthold	Long	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)

# NAYS—188

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  
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  
Espallat  
Esty (CT)  
Evans  
Foster  
Frankel (FL)  
Fudge  
Gabbard

Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

Neal  
Nolan  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
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  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

# NOT VOTING—12

Bridenstine  
Clark (MA)  
Cuellar  
Granger  
Hurd

Johnson, E. B.  
Palazzo  
Pocan  
Richmond

Rooney, Thomas  
J.  
Roybal-Allard  
Walz

□ 1122

Mr. DIAZ-BALART changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HURD. Mr. Speaker, I was unable to vote on the bill this morning 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. 622.

Stated against:

Mr. WALZ. Mr. Speaker, I was absent for rollcall No. 622 (on the passage of H.R. 2201). Had I been present, I would have voted “no” on this vote.

## PERSONAL EXPLANATION

Ms. CLARK of Massachusetts. Mr. Speaker, due to a prior family obligation, I was unable to vote on the following four rollcall votes. I would like the record to reflect how I would have voted.

Rollcall No. 619—“Yes.”

Rollcall No. 620—“No.”

Rollcall No. 621—“Yes.”

Rollcall No. 622—“No.”

## CONFERENCE REPORT ON H.R. 2810, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

Mr. THORNBERRY submitted the following conference report and statement on the bill (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, and for other purposes:

(For conference report and statement, see proceedings of the House of November 9, 2017, published in Book II.)

## LEGISLATIVE PROGRAM

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

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

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

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

Mr. Speaker, on Monday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday and Wednesday the House will meet at 10 a.m. for morning hour and noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business.

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

In addition, the House will consider the conference report to accompany H.R. 2810, the Fiscal Year 2018 National Defense Authorization Act. This bipartisan agreement will strengthen our military, give our men and women in uniform a 2.4 percent pay raise, and en-

sure America's fighting forces have the resources they need to secure peace both at home and abroad.

I want to thank Chairman THORNBERRY and the entire House Committee on Armed Services for their hard work on this important bill.

Mr. Speaker, the House should also look forward to voting on the most significant tax reform in over three decades, H.R. 1, the Tax Cuts and Jobs Act, sponsored by Representative KEVIN BRADY.

America is among the highest taxed nations in the developed world. Americans pay more in taxes than we spend on housing, clothing, and food, combined.

Our current Tax Code is almost 2,600 pages long, with an additional 70,000 pages of forms and other regulations. That is just unacceptable.

We want to see economic growth in this country. Instead of “closed for business” signs, we want to see “now hiring” signs.

We want to double the standard deduction.

What does that mean?

It means, for every American, the first \$12,000 of income for an individual is tax free; for a couple, that is \$24,000 tax free.

We want to simplify the Tax Code so you can file it in minutes—instead of spending weeks—on a form the size of a postcard.

We want to bring back the trillions of dollars of American wealth that is forced to sit overseas, have it come back to America and invest in Americans.

That is what voting for the Tax Cuts and Jobs Act will accomplish. That is why I look forward to the House passing this critical bill without delay.

Lastly, Mr. Speaker, additional legislative items are possible in the House. If anything is added to our schedule, I will be sure to inform all Members.

Mr. Speaker, I thank my friend for yielding.

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

I am going to have some specific questions about the tax bill, but before I do that, it is our understanding that substantial changes are being made in the tax bill that was put on the floor last Thursday, a week ago.

Does the gentleman know whether that is accurate or not?

I yield to the gentleman from California.

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

I would not use that term, “substantial,” because, as you know, we have gone through this process for quite some time. We are all writing to the same number: \$1.5 trillion. But, as you know, any bill, when it moves through regular order, where it gets introduced in committee and we have a markup, just as Ways and Means has done all week long—they will come to the final vote today—whatever amendments pass will be added.

You will then see that bill posted. You will then, next week, see the Rules Committee take it up, and then you will see that bill on the floor, just as with any other regular order bill in the process.

Mr. HOYER. Mr. Speaker, regular order is having hearings and witnesses, is it not?

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, for the last three decades, we have done that, and I don't think the American people want to continue to wait.

I know we go through this every week, time and again, and so I can quote you back the number of hearings. I can quote you back what people even ran a campaign on and put out to the American public. But what is most important that I can quote to you is the lack of growth that has happened, how much people have to pay in taxes, the trillions of dollars that are sitting overseas.

What I have found time and again, and I know we have talked about this before, but just by the introduction of our bill, I was sitting in the Oval Office last week and there was a company there, Broadcom, that was created in America, but because of our Tax Code, they were forced to leave America to try to be competitive.

□ 1130

They looked at this bill, and they told me a couple of days before: If you really believe this bill is going to pass, we will come back.

When they come back, that is \$20 billion in revenue each year. They will spend another \$3 billion each year on R&D. Then they will spend \$6 billion in manufacturing.

The gentleman and I have had so many discussions about how to bring manufacturing jobs back. That is why I am so excited about this bill coming to the floor the next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his remarks.

I don't share his enthusiasm for this bill, which I think will be very harmful, will explode the debt, and be a bait-and-switch on the middle class whether it will get a tax cut early and a tax increase later on.

Is the gentleman aware, when he talks about growth, that in the comparable 9 months of 2016 to the same months in 2017 under Trump, that there were 326,000 more jobs created in 2016 than have been created in 2017 in those analogous months?

Mr. Speaker, I yield to the gentleman.

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

Mr. Speaker, I am a little confused that the gentleman is not enthusiastic about this bill. I have read what some people on the other side of the aisle have said about this bill. I heard one phrase that the gentleman recently used about the middle class. I would just caution my friend in inferring any-

thing negative to the middle class with this bill because there were some on the other side of the aisle that made some comments.

Like most things we say, we get fact-checked. The Washington Post, to a few Senators and my own Senator from California, tried to claim this was poor for the middle class.

Do you know what happened?

She did not receive one Pinocchio, she did not receive two Pinocchios, and she did not even receive three Pinocchios. She received four Pinocchios on that statement. That is the most Pinocchios you can get.

Mr. Speaker, if I may, I wanted to do the research. I wanted to look. Is this tax bill good for all of America? Especially because I want the gentleman to be enthusiastic about it, I looked at Maryland's Fifth District. Now here are just a few facts:

Currently, in the Fifth Congressional District of Maryland, 47 percent of the filers take the standard deduction. So not only will they be better off, it will actually double, and they will see the increase in their pay on day one, January 1.

Another 11 percent have itemized deductions. They will no longer with our new higher standard deduction, so they will also save more money, not to mention the time and confusion by not having to itemize. That means, before we even look at lowering tax rates, 58 percent of my friend's district is better off on day one.

Now, how about the median family of four?

A median family of four in Maryland's Fifth Congressional District earns \$123,000. For the 20 percent of those families that don't itemize today, they will receive a tax cut of \$5,000. For the 80 percent who are itemizing today, they will get, on average, \$2,200 in a tax cut.

But those are not the only people I am worried about. How about the single mother who is earning \$30,000 in your district?

Well, she will no longer have to pay any tax under this plan. In fact, she will receive a refund of about \$500 to \$700.

How about the small business, the entrepreneur, the factory creating jobs?

The small-business owner making about \$400,000 in Maryland's Fifth Congressional District will see a savings of nearly \$19,000.

So what I am confused about is: How can't you be excited about this bill?

In short, Mr. Speaker, to the people not just in my friend's district, but all of America, let me state this: under our plan, the average family of four earning \$55,000 a year will not pay any tax.

For so many days and so many years, I have heard from the other side of the aisle and my friend talking about the middle class. We have a bill that is on the floor that is going to help the middle class, the single mother not to pay

any tax and getting money back; the median family there getting \$5,000 back; the small business getting 19—I don't know how much more we have to do to get my friend excited, but next week he will have the opportunity.

Mr. HOYER. Mr. Speaker, a lot more is the answer.

Why is the NFIB, Mr. Speaker, against this bill if it is so good for small business? Why is the AARP against this bill if it is so good for small business? Why is the Peter G. Peterson Foundation, which is worried about the national debt, against it?

Mr. Speaker, since I have been here, my Republican friends have been talking about we have got to balance the budget. The President said he is going to balance the budget in 9 years. That was hokey.

Our Republican friends have said they are going to balance the budget. They said it in the Price budget. They said it in the Ryan budget. The budget deficit keeps getting bigger, and they have been in charge of economic policy for a long time.

The fact of the matter is, Mr. Speaker, I have got a list of 50 groups that are against this bill because they think it hurts both the debt and middle-income people.

The distribution, according not to fact-checkers but the Joint Committee on Taxation, \$1 trillion of the tax cuts go to business, \$230 billion to individuals, and \$170 billion on estates essentially. Now, that doesn't add up to the \$1.7 or \$1.8 trillion that has been computed to be the deficit created—the additional debt—by this bill.

In fact, that is why this bill is being rewritten right now. I guarantee my friend—and he can call me this next week—that the bill that was introduced last Thursday will not look like the bill that we will consider on the floor. It won't.

It won't because, first of all, the debt is a problem for, apparently, some people. It is a big problem for me. We ought to pay for what we buy. That is what the chairman of the Ways and Means Committee, Mr. Camp, did: a bill that was paid for—an honest bill that was paid for, as was the 1986 tax reform bill. It did not add to the debt.

This adds an extraordinary amount to the debt. As a matter of fact, it adds in one fell swoop the debt that was created on the Reagan administration approximately \$1.7 trillion. It is being rewritten now.

My presumption is, as we have done 49 times this year, that this bill will be presented under a closed rule in a transparent Congress, where everybody's views are going to be considered. I stand here and say that the gentleman is not going to bring this bill to the floor with an open rule where amendments can be offered, where people can discuss options, and we can see what the ramifications are to middle class taxpayers.

The Joint Committee on Taxation also pointed out that, of this figure, individuals are going to get a tax cut of

which Mr. RYAN talks about of \$1,182—a typical family, he refers to them—but that figure will start to go down in 2019 and will go down further in 2020 so that it is a bait-and-switch. You get it up front, but we are going to take it away.

In the Ways and Means Committee, one of the reasons, Mr. Speaker, I tell the majority that I am not very enthusiastic is because they asked: Do we also do this for businesses? Do we also do it for the estate tax? Do we also do it for the wealthy?

The answer to that question is no. Only the middle-income worker has their tax cut reduced over the next 5 years, but not so with business, not so with the wealthiest taxpayers in America, and not so, obviously, with the estate tax. So that, I can tell the gentleman, is why I am not nearly as enthusiastic about it as some others would be.

We limit State and local tax deductions, which the middle class takes. We limit the mortgage interest deduction used by homeowners. We eliminate the student loan deduction and we eliminate the medical expense deduction. So if you have a major medical expense, you are going to lose under this bill.

It eliminates the deduction for moving expenses if your employer wants you to go more than 50 miles from your home. It eliminates the deduction for the adoption tax credit. That could be a credit of \$13,570 per eligible child that you will lose. It eliminates the deduction for teachers that helps them purchase pencils, papers, rulers, and other materials for students.

It eliminates the deduction for dependent care assistance—a substantial challenge for many of our families in America. It eliminates personal exemptions, which Americans can currently deduct for themselves, a spouse and dependents that grows to the size of the family. If you have a large family, you lose under this bill. If you have one child, the majority leader may be right. When you get to two children, three children, and four children with no deductions, you are going to lose under this bill. That is why I am not very enthusiastic about it.

I tell this leader, Mr. Speaker, perhaps the changes will make me more enthusiastic. Perhaps there will be a recognition that this is not the bill that is going to do what it is purported to do.

Mr. Speaker, I yield to the gentleman.

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

I just caution the gentleman on some of the things that he says because I do not want him to end up with any Pinocchio's. The gentleman knows my fondness for him. Just today in *The Washington Post* we had a joint editorial about our trip down to Puerto Rico, the Virgin Islands, and to the Keys in Florida.

The one thing I do want to say to the gentleman is I know he mentioned a

few people in the very beginning, NFIB, whether they support the bill or not, I say: Just stay tuned.

When the gentleman talks about will there be changes in the bill, this is the process. When you go through committee, do you not want to have the committee to have input?

So there will be some changes. Substantially? No. But I do want to also advise my good friend—maybe I could refer the gentleman to clause 5(a) of rule XXI of the House Rules. That will tell my friend how a bill comes to the floor coming out of the Ways and Means Committee when it deals with taxes.

Now, I know the gentleman talks about debt. I know the gentleman brought up teachers, that it is a \$250 tax credit. The only concern I have is that it is only in Washington that they could be opposed to a bill because they think we are eliminating a \$250 tax deduction while we are giving somebody \$12,000 more tax free. There is a lot more there going around, and I think that is a much bigger gift. If you ask the American public what they wanted, I will guarantee you which side they would pick.

Now, the gentleman talks about debt—and I have great respect for my friend—but just a few weeks ago, the gentleman voted for a budget that called to raise taxes by \$3.9 trillion. That same budget would also increase the deficit by \$6.8 trillion—that is not what the gentleman said on the floor; that is what he did on the floor—over 10 years. It assumed a \$764 billion deficit in 2027.

Now, we had a budget on our side. A budget lays out the framework for the future. The Republican budget resulted in a \$197 billion surplus in 2027 and a \$2.6 trillion deficit over 10 years. So I am concerned about the budget, and my votes show that. I want to put us on a path where we balance.

We had this debate just a couple weeks ago, and that debate set up the mechanism to go to tax. And the one thing I have learned time and again—and my friend and I have had this discussion—we have got to protect the entitlements for the future, but we know that is what is going to break us if we don't do something about it.

We have got to grow the economy. As we have watched the history of America, every generation has improved on the generation before it. But 75 percent of Americans believe this generation will not.

Why? Because of the last 10 years. It has been our lowest growth that we have seen in decades. We have always averaged more than 3 percent GDP, but we didn't then. We have just gone through two quarters at 3 percent where we had five hurricanes.

I watched the Atlanta Fed look at this and say that we could be above 4 percent.

Do you know what opportunities we have?

So it just won't be the Maryland Fifth District that is getting that money back or the small businesses that are hiring more with that \$19,000.

But imagine what that family will do with that \$5,000. They will get to determine that. They will buy more than just a pencil. They will invest in their kids' future.

So I think that it is an opportunity for all of us to come together, put people before politics, and let's make sure this bill goes out in a very strong vote.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I heard almost word for word the majority party intone that vision and prediction when we passed the 2001 and 2003 tax cuts—almost word for word. That economic policy stayed in place until 2009.

Why?

Because the Republicans controlled the House, the Senate, and the Presidency.

□ 1145

And what did it bring us?

An almost Hoover-like depression. Not quite, because when we came into office, we invested in bringing back a declining economy.

Mr. Speaker, the majority leader didn't respond when I said the growth of jobs was better in 2016, under Barack Obama, than it has been under Donald Trump.

We are going to have an opportunity to debate this bill, but I will tell my friend, when he says this is the process, the process is going to be that the chairman of the committee will come in with a major amendment to this bill that none of us on this side will have seen, and the bill will be brought to the floor next week.

My friend, the majority leader—and I want to say something: he is my friend, and we do cooperate on a positive fashion—and I disagree strongly on this issue. I am against the creation of debt.

He mentions the budget. Okay. That is a fair point. But I have been pretty consistent throughout my career to join with the Peterson Foundation that says we have got to get a handle on this debt. We have a growing economy and 4.4 percent unemployment. The stock market is going up.

So what do we have here?

An extraordinary stimulus bill with \$1.5 trillion, \$1.6 trillion, \$1.7 trillion, \$1.8 trillion of debt, presumably, as the majority leader admits, to stimulate the economy. Very frankly, if Democrats were doing this, we would be savaged by the other side.

We will debate this, and we will look forward to seeing how the bill is going to be when it comes to the floor. Hopefully, we might get the manager's amendment, or, better said, the chairman's amendment, prior to its coming to the floor. I would hope we would have, at least, maybe even 48 or 24 hours' notice of what that amendment is going to look like so that not only

we, but the American people, who will have no opportunity to come in and give their opinions or testify, at least they will know what we are voting on. We will try to make sure they know.

One other issue I would like to speak about, Mr. Speaker, before we end, and that is the request that the President of the United States made to us.

He talked about the order issued by President Obama dealing with childhood arrivals who came here as minors, not on their own volition, called DACA, or Deferred Action for Childhood Arrivals. There were a number of Republicans who had a press conference today, and they said we ought to pass that bill before the end of this year. I urge the majority leader to pass this bill by the end of next week, before the Thanksgiving break.

This, Mr. Speaker, I believe is an issue on which, as Mr. BARTON said, who is one of the senior Members on the Republican side of the aisle, if it is brought to the floor, it would have over 300 votes.

Representative BARTON said that, not me, I said that last week. I am glad that Mr. BARTON agrees with me.

We need to take care of this issue at the request of the President of the United States, who said: I love these kids. He didn't follow that with: I am not going to send them out of the country. What he said was that they were not protected the proper way and asked the Congress to take care of this.

I have urged the majority leader, Mr. Speaker, for the last 2 months, to bring this to the floor. I know that a task force has been appointed. I don't know that the task force has reached a conclusion, but I would urge the majority leader and Speaker RYAN, who urged the President not to rescind the protection of these young people, urged him not to rescind President Obama's order. But when he did, the President said: I am going to do it because it wasn't done properly. It is the Congress' responsibility.

Mr. Leader, I would urge you to bring to the floor the Dream Act, which is the manifestation of the response to that. There are other options as well. We understand that. But something ought to be brought to the floor so that these young people are not twisting in the wind through Thanksgiving and Christmas. This is the country they know. This is the country in which they have been brought up.

When Rush Limbaugh says, "We are not going to send these kids home," I can't believe that any of us on this floor are going to vote to send these young people home. We need legislation to pass to protect them and to give them the confidence.

There is a wonderful editorial—I urge all of you to read it—from Bob Gates, our former Secretary of Defense under both Presidents Bush and Obama. He wrote an editorial about the thousands of, essentially, DACA children, young people, who have served in our Armed Forces valiantly. As a matter of fact,

he said the attrition rate is a lot less with DACA-protected individuals than it is with others.

Bob Gates is right. We ought to act. President Trump, in this instance, is right. It is our responsibility. We ought to act. FRED UPTON said that today in the press conference. JOE BARTON said that in the press conference. The gentleman from Washington State, who led the press conference, said that.

Mr. Leader, this is an issue I think on which we agree. The tax bill is going to be an issue on which we are in contention. Let's give the American people another example, as we have in the past, of a place where we can work together, get something constructive and positive done for our country and for these young people.

Mr. Speaker, I yield to my friend.

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

The gentleman does know that we have put a task force together. I happen to serve on that task force. We have met over a half dozen times.

It is true that when the President made his decision, he made it based upon whether it was legal or not for an action the executive branch took. The courts said it was not. So it was, rightfully so, moved back into this body, which is the legislative body.

He gave us 6 months to get the job done. That is what we are continuing to work on. I look forward to continuing to work with the gentleman to get this done. I believe we will be able to.

There is one point I do want to bring up to points the gentleman made prior. I do know that he is concerned about this.

As the gentleman does know, if we just get 1 percent of growth in the GDP, that will add over a trillion dollars of extra revenue. The Atlanta Fed is already saying we are going to get 1½ trillion dollars. Who knows how high we can go, but I would never want to put a ceiling on America. I will always bet on America. I just want to unshackle the things that hold us back.

You are correct; you talked about how we now have the lowest unemployment in decades. For the 58th time since the election a year ago, the stock market broke a record. Business confidence is at an all-time high.

Most of that is happening because America has the anticipation of us passing a tax bill. That is why I think this is a moment that will be significant for every Member.

They will look back on their vote for next week as one of the most important votes they would ever take. What is the future you want to have for your children; what is the opportunity you want to give them?

Did you put the rhetoric aside; did you look at the bill based on constitutionality; did you look at the bill based upon your own constituents?

Take your partisan hat off, and when you look at that at the end of the day,

if it empowers your small businesses, if it gives every American more money in their own pocket, if the projections are that it is going to grow the economy, do what is right. Do what is right for America, and I believe, at the end of the day, history will treat you well.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his remarks.

I will say on this floor—the fact-checkers check me—millions and millions and millions of middle class taxpayers will get a tax increase under this bill. Check me. Millions of people.

Why do I say that?

The Joint Committee on Taxation tells me that. Other think groups tell me that from the conservative side of the ledger.

So we will argue this bill, but I will repeat again that I have heard that argument over and over and over again. I heard it in 1981, and we exploded the debt. I heard it in 2001 and 2003, and we exploded the debt. We had the deepest recession anybody on this floor who is sitting here now has experienced. I hear it today.

The reason the Peter G. Peterson Foundation is against this is because they believe exploding the debt by another \$1.5 trillion will be an extraordinary detriment to our country.

I want to say to every Member, Mr. Speaker, when you get up and say: I don't want to hurt my children, there may be people who get a tax cut under this bill, but I guarantee you the people who are getting a tax increase, in addition to the middle class I have just talked about, are the children. They are going to have to pay off this debt. We will not pay it off.

When you speak on this floor and say it is an immoral act to put our children more deeply into debt, if you believe that, you will not be able to vote for this bill.

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

#### HONORING THE LIFE, SERVICE, AND HEROISM OF JACK HENLEY

(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, with Veterans Day approaching, I want to recognize the life, service, and heroism of Jack Henley from Hamilton, Montana.

Jack was on the front lines in the Second World War. During the battle in the Philippines, he led a squad of men through heavy fire to fill a gap in the line, without losing a single man. He twice reentered the field of fire to save the lives of two wounded men.

For his actions, Jack earned the Silver Star and the Purple Heart. He reenlisted in 1948, training troops for the Korean war. Jack continued to serve in the Army Reserve until 1984.

During his 28 years of service, he was awarded 18 medals and decorations. His name is included in the Hall of Valor here in Washington, D.C.

I am proud to have this man as a fellow Montanan, and I am honored to recognize his extraordinary life. May we always remember Jack's story and those of all our Nation's veterans.

#### HONORING THE LIFE OF DARREN DRAKE

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

Mr. GOTTHEIMER. Mr. Speaker, I rise today in memory of 32-year-old Darren Drake from New Milford, New Jersey, whose promising life was cut short in last month's tragic and senseless act of ISIS-inspired lone-wolf terror in Manhattan.

Darren was one of our best and brightest, and a son of New Jersey through and through. A hardworking project manager at Moody's and a lifelong Jets fan, Darren earned more than three degrees from New Jersey universities. Not only was he driven and accomplished, Darren was also a committed public servant, serving as president of the New Milford School Board.

Darren was beloved. It was intensely moving to see so much of the North Jersey community come together at his wake and funeral last week and this week.

To his parents, Jimmy and Barbara, and everyone whose life he touched, I want to express my deepest condolences. Darren's death is our profound loss. He packed more into his years than most do in a lifetime. His life enriched our lives beyond measure.

No act of terror will ever be able to diminish the bright and burning love he had for his home, my State, and our country. I will spend my days here fighting terrorism at home and abroad in Darren's honor.

May God rest his soul.

#### HAPPY 242ND BIRTHDAY TO THE UNITED STATES MARINE CORPS

(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, tomorrow marks the 242nd birthday of the U.S. Marine Corps.

In today's own unpredictable world, the Marines are as important and essential now as ever before.

I am proud to have a member of the Marine Corps serving in my Washington office as a legislative fellow. Paul Camacho achieved the rank of staff sergeant during his service from 2000 to 2008. He is a native of Philadelphia and served as a field artillery cannoner.

At one point, Paul was the youngest marine in the entire Marine Corps, an achievement that is celebrated each year during cake-cutting ceremonies.

To Paul and all those who are part of "The Few. The Proud. The Marines," I say happy birthday and thank you for

your service. Thank you to all who have served in one of the most respected fighting forces in the world.

Mr. Speaker, it was President Ronald Reagan who said "some people spend an entire lifetime wondering if they made a difference in the world. But, the Marines don't have that problem." Happy birthday.

□ 1200

#### PROTECTING ELECTORAL INTEGRITY

(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, study after study has shown that illegal voting is extraordinarily rare and voter fraud is almost nonexistent.

Instead of spending taxpayer money chasing after mythical claims of voter fraud, the Federal Government must address actual threats to our electoral system. It is imperative that the Federal Government protect the integrity of our elections, but the administration seems interested in only chasing voter fraud unicorns.

The real threats to our democracy are voter suppression, cybersecurity, weaknesses, and foreign meddling.

To protect the integrity of our elections, we must expand voting rights for all Americans, we must modernize our voting systems, and we must appoint an independent commission to investigate foreign meddling in the electoral system before the 2018 Federal election.

#### SALUTING ALL WHO DEFEND OUR GREAT NATION

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

Mr. FITZPATRICK. Mr. Speaker, on Veterans Day, we salute all those who have defended our great Nation and served in uniform. We say a profound thank you for so bravely offering yourself and your services for the betterment of our Nation.

Whether part of the Army, Navy, Air Force, Marines, or Coast Guard, you have served and sacrificed greatly to secure the freedom we enjoy here at home. Your commitment to duty and to serve a cause bigger than yourself commands our respect. You continue the greatest traditions of responsible citizens in this Republic, and you are a role model for younger generations of Americans.

To the families who have sacrificed alongside our veterans, we say thank you. You provide the love and care necessary for our servicewomen and -men to continue their honorable work.

I am honored to serve the veterans in my hometown community, in Bucks and Montgomery Counties, and across the Nation. Our gratitude is enduring, our support for you steadfast. We have your back.

#### OPPOSING REPUBLICAN TAX PLAN

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

Ms. BARRAGÁN. Mr. Speaker, I rise today to oppose the Republican tax plan and to highlight another devastating proposal in it.

The Republican tax plan proposes to eliminate the medical expense deduction. Eliminating this deduction could raise taxes on nearly 9 million people, including cancer patients and their families, seniors, and those with disabilities and chronic health plans.

Currently, people with high healthcare costs can deduct medical expenses that exceed 10 percent of their total income. Let me give you an example.

If you are a retiree living in southern California suffering from multiple sclerosis and you live on \$75,000 a year annual pension, you could write off \$70,000 a year in medical expenses, giving that person a tax break of about \$20,000. Removing the itemized medical deduction would spell financial disaster for that person.

Now, half of those claiming the deduction have an income below \$50,000 per year. So just think about how devastating losing this deduction will be.

I can't stand idly by while my Republican colleagues put forth a tax plan that takes money from the sickest and neediest among us in order to give tax cuts to corporations and the top 1 percent of earners. This is a bad bill.

#### SALUTING VETERANS

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

Mr. TAYLOR. Mr. Speaker, I rise to salute all veterans on this day.

As veterans, you may forever and eternally take your place amongst the unbroken line of patriots who have stepped forward, whether voluntarily or drafted, with youth and rigor and bravery for your Nation, for your family, and for the soldier on your left or right.

On this day, we bestow honor upon you for once standing the watch.

Because of the standard you have set, future generations will continue to serve with pride in our American heritage and be willing to preserve its providential promise, willing to uphold our God-given inheritance as free people, and they shall fight for freedom, whatever the cost, with dogged persistence and with an iron will handed down from your legacy.

Happy Veterans Day, and may God lift you up, and may He always bless these United States.

#### HONORING OUR NATION'S VETERANS

(Mr. PANETTA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker: "Let us strive to bind up our Nation's wounds, to care for him who have borne the battle, his widow, and his orphan."

Those words were declared by President Abraham Lincoln at his second inaugural address where he set out our Nation's obligation to our veterans.

On the eve of Veterans Day, I rise to honor our heroes, the men and women who served our Nation, and remind us of our responsibility to those, our veterans.

Now, in my district, on the central coast of California, nearly 30,000 veterans live in that area, an area imbued with military history, from the former Fort Ord to the many military installations that are on Active Duty now, to the men and women who have served in our community and kept the security of our country safe.

It has been those servicemembers and their families who have not only served, but stayed in our community, who have fulfilled that obligation by serving those who served us. Now we have a healthcare clinic, the VA-DOD General Gurley health clinic; we have the Central Coast Veterans Cemetery; we have the Veterans Transition Center; and we have a Veterans Treatment Court.

On this Veterans Day, we not only want to thank our veterans for their service, but we recommit ourselves to serving those who served us.

#### IN HONOR OF VETERANS DAY

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

Mr. KUSTOFF of Tennessee. Mr. Speaker, I rise today in honor of Veterans Day, which is Saturday, November 11. On this Veterans Day, I know all Tennesseans join me in honoring the brave men and women who have served in our Armed Forces.

There is no greater sacrifice than to lay your life on the line for your family, friends, neighbors, and country. We must remember the great debt that we owe our veterans and members of the armed services who fight to maintain our freedom.

To all those who have lost loved ones to war, we join you in honoring their remarkable service. Their courage is what makes the United States of America the greatest nation on Earth.

Our veterans have sacrificed so much on our behalf, so it is our duty to ensure that their sacrifice ends when they come back home. I promise to always fight to protect our veterans and active servicemembers.

#### REPUBLICAN TAX BILL GIVING TAX BREAKS TO MILLIONAIRES AND BILLIONAIRES

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

Mr. ENGEL. Mr. Speaker, let's put rhetoric aside when it comes to the Republican tax bill. This is a bill that gives tremendous tax breaks to millionaires and billionaires while it hits the middle class.

The facade of it may look like middle class people are getting a tax break, but when you add on all the deductions that they will now no longer be allowed to take, it is a negative for the middle class.

The government is always accused of giving you something in one hand and taking it back in the other hand. A classic bait and switch, that is what this bill is about.

In my home State of New York, which is a high tax State, people will no longer have the ability to deduct State and local taxes or deduct mortgage interest to the degree that they have now.

So when you add it all up, what does it do?

Higher taxes for the middle class, lower taxes for millionaires and billionaires like our President—a classic bait and switch.

When you talk about New York, New York is a donor State. We give more money to the Federal Government than we get back, and this is just hitting New York in the head again.

We should be protecting the middle class and letting people who can afford to pay more, millionaires and billionaires, pay more, not the other way around.

Finally, whatever happened to the fiscal responsibility of the Republican Party? This blows a hole in the deficit—\$1.75 trillion.

#### OPPOSING SEISMIC TESTING AND OFFSHORE DRILLING IN GULF OF MEXICO AND WEST COAST OF FLORIDA

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

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I have been in the oil and gas business for many, many years, and the drilling business. I have been out to drilling rigs offshore, and I have been to platforms offshore. I have interests, now, in several countries that do oil and gas, but I must vigorously and relentlessly oppose any move towards seismic testing or offshore drilling in the eastern Gulf of Mexico and along the west coast of Florida.

Our west coast of Florida is highly developed with residential development and so are our bays. We can't tolerate the kinds of work boat, tank farm, and infrastructure necessary to service offshore rigs, because it is not just about the rigs.

This is a picture of work boats going from Grand Isle, Louisiana, out to the many, many rigs offshore the south Louisiana coast. This is a picture of work boats. This is what goes back and forth to offshore rigs every day.

Here is another one.

We don't have room for these things in our bays. We don't have time to see these things going off our coast, ruining the view that our tourists get.

Here is one last one. That is a cable tower putting down moorings, the big round metal moorings that these boats tie off on. We don't have room for those moorings in our rivers and bays. So, for that, I again want to oppose any move towards offshore drilling in the southwest Florida coast.

#### HONORING THE LIFE OF JACK BEATON

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

Mr. KIHUEN. Mr. Speaker, today I rise to remember the life of Jack Beaton, a loving husband and father from Bakersfield, California.

Jack traveled to the Route 91 music festival with his wife, Laurie, to celebrate their 23rd wedding anniversary. Jack died a hero, shielding Laurie from the gunfire.

Laurie said Jack made her feel loved every single day. He was also a loving father to his two children. He always had a smile on his face and was a kid at heart.

Jack was known as a hard worker who was always willing to give someone a helping hand. He was the type of person who had literally given someone the shirt off his back. His children's friends said that he, Jack, was a role model to them both as a father figure and as a best friend.

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

#### FOREVER GRATEFUL FOR OUR VETERANS

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

Mr. BERGMAN. Mr. Speaker, as a nation, we find ourselves in seemingly uncertain times: instability in North Korea, terrorism throughout the world, and divisiveness on so many fronts. Yet across our Nation, young men and women continue to step up to serve when their country needs them most. They serve our great Nation willingly, honorably, and without bias.

In the 1940s, when an unprecedented attack on American soil led us into the Second World War, our brave men and women in uniform stood up to defend our Nation.

In the 1950s, when our country faced the spread of communism to Korea, it was our veterans who were there.

In the 1960s and 1970s, when the United States was brought into the war in Vietnam, knowing there would be no hero's welcome when they came home, our men and women were steadfast.



In the first Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, and the many missions they have faced in the past two decades, our soldiers, sailors, airmen, marines, and coastguardsmen have defended our great Nation from those who wish to do us harm.

On this Veterans Day, I submit to our men and women: Your service is not over and your mission is not complete. Now, more than ever, your country needs you. Stand up. Tell your story. The next generation needs to hear from you. We are forever grateful for your service.

□ 1215

#### OPPOSE THE TAX BILL

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

Mr. NOLAN. Mr. Speaker, the simple truth is that the rich are getting richer in degrees unparalleled in human history in this country, the poor are getting poorer, and the middle class are getting crushed.

And now our Republican colleagues have offered a proposal to the Congress of the United States to make it worse. The fact is that, under the Republican tax bill, the upper 1 percent will be getting a \$1.7 trillion tax deduction. At the same time, independent reports tell us the middle class will be getting—millions of them—will be getting an increase in their taxes, and we will be passing on \$1.5 trillion in debt to our children and our children's children.

Mr. Speaker, this tax bill is a scam. It is traditional old-fashioned trickle-down economics that has never worked and has been the ruination of every great economy in every great country in the world. We have to oppose it and stop them from succeeding in this tax scam.

#### GOD BLESS OUR VETERANS AND GOD BLESS AMERICA

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

Mr. ARRINGTON. Mr. Speaker, before I go back to the great State of Texas today, I just want to say happy Veterans Day to our men and women who have sacrificed and served so bravely.

I want to say, from all those who I represent in west Texas, thank you for giving up your day so that we could have our tomorrow. You represent the very best of our American values, and we are the most powerful, the most prosperous, and most generous Nation in the world. We are the most free Nation in the history of the world because of you.

God bless our veterans and God bless America.

#### TRIBUTE TO VETERANS OF THE ARMED FORCES OF THE UNITED STATES

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

Ms. JACKSON LEE. Mr. Speaker, I, too, rise to salute our veterans and to indicate to all of them that they are truly heroes walking amongst us.

I want to thank all of the armed servicemen and -women for their selfless dedication to the protection of this Nation every day, putting on the uniform unselfishly and standing in the gap.

I think it is also important to note the many families who are also a part of this freedom.

And let me acknowledge the 21.6 million brave men and women who are veterans of our Nation's military service: 30,000 of them in the 18th Congressional District.

But I want to take a moment—and I will be speaking about this tomorrow and on Saturday, Veterans Day, about POWs and MIAs. I want to salute Congressman SAM JOHNSON from Texas and Senator JOHN MCCAIN from Arizona, both of whom suffered injuries, whom you can even see now in the United States Congress, during their time as a POW. I honor them, and I hold them in high esteem.

And to the families of the MIAs from all of the wars, I want to say to them that we continue to pray for your loved ones.

As a sponsor of eight pieces of legislation and 35 pieces of legislation that I cosponsored to make lives of veterans better, today I salute you and say happy Veterans Day. God bless all of you, and God bless this free Nation, the United States of America.

Mr. Speaker, I rise to pay tribute to all the men and women who have served in the Armed Forces of the United States and risked their lives to defend our freedoms and way of life.

Veterans are truly heroes walking among us.

I want to thank all of our armed servicemen and women for their selfless dedication to our protection every day.

Each Veterans Day, Americans come together to remember those who have served our country around the world in the name of freedom and democracy.

The debt that we owe to them is immeasurable.

Their sacrifices, and those of their families, are freedom's foundation.

Without the brave efforts of all the soldiers, sailors, airmen, marines, Coast Guardsmen and women, and the National Guard and their families, our country would not live so freely.

I offer my deepest gratitude to our nation's troops and reservists, their families, and the 21.6 million veterans, including 29,126 here in the 18th Congressional District.

21.6 million brave men and women are veterans of our nation's military service.

Nine in ten military families believe the public does not understand or appreciate their sacrifices.

We use Veterans Day to show our veterans and military families how important they are to us and how grateful we are for them each and every day.

November is National Caregivers Month to show our caregivers how grateful we are for them.

It is only fitting that we thank those caregivers who serve our military today.

5.5 million spouses, parents, children, and other loved ones care for our wounded warriors and 15 percent of caregivers spend 40 plus hours a week providing care for our military families.

As a Senior Member of the House Committees on Judiciary and Homeland Security, Ranking Member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I care deeply about our veterans.

In this Congress alone, I have sponsored 8 pieces of legislation and cosponsored 35 pieces of legislation that will positively benefit our veterans and their families.

On the battlefield, the military pledges to leave no soldier behind.

As a nation, let it be our pledge that when they return home, we leave no veteran behind.

This day and every day, let us honor their service with actions that fulfill our commitment to our troops, their families, and our veterans—and that are worthy of our grateful nation.

#### ISSUES OF THE DAY

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

Mr. GOHMERT. Mr. Speaker, I just want to start out echoing what my friend, Congressman RICK NOLAN, was saying: We should not be about the rich getting richer.

There are different strategies to try to accomplish fairness in a free country. If it is truly free, people are going to have to have the opportunity to fail as well as succeed. The only other alternative is the government kills any incentives to be more productive and just says: We are going to flatline everybody across the board, no matter how much you produce.

We have seen, over and over throughout history, that never works. Income redistribution never works. You kill the incentives. And, as I was told back in the summer of 1973, in an exchange program at the Soviet Union, by a bunch of farmers who were sitting in the shade mid-morning in the middle of the summer, I asked—and I tried to use my best Russian: When do you work out in the field? I couldn't tell what was cultivated and what wasn't. It all looked terrible.

They all laughed. I thought maybe I had translated something wrong. But one of the farmers, in Russian, said: I make the same number of rubles if I am out there in the field, or in the Sun, or here in the shade, so I am here in the shade. That is why socialism doesn't work.

So there have been many different strategies that have been utilized

throughout this Nation's history, and throughout the history of the world, to try to create—sometimes it is not an effort to create fairness in this country. It has normally been, thank God. But under the Obama administration's efforts to redistribute income, it brought about, for the first time in our Nation's history, that the top 1 percent of our Nation made 95 percent of the income.

I just was staggered. But that happened under the Obama administration. And, obviously, that tells us that the strategy for encouraging success, financial success, was an abysmal failure. Under the 8 years of Commander in Chief Obama, as he commanded over the economy, he made sure—I don't think it was intentional—but his efforts made sure that the very richest in the country became much richer and the rest of the country suffered.

And those on food stamps skyrocketed to the highest level ever. I think over 50 million. We had 95 million Americans, for the first time in our history, who got so tired of applying for jobs, unsuccessfully, they quit even applying.

And so how does the Obama administration respond? They responded by not counting those 95 million in the unemployed numbers because they were no longer looking for jobs. The economy, it really hasn't recovered. People have been flatlined, or less, when adjusted for the little inflation we have had.

So it is time to try something different than the Obama efforts that put 95 percent of the Nation's income in the top 1 percent's pockets. We are already seeing that change, and I am hoping that our efforts, especially in creating tax cuts, will cause the economy to just skyrocket, the way it did after the 30 percent tax cut kicked in under President Reagan by 1983.

I do want to touch on something that came out in the last week. This article from *The Hill* says: "Early Comey draft accused Clinton of gross negligence on emails." It turns out—we find out now—that FBI Director Comey started drafting months before Hillary Clinton was interviewed, and months before discussion with Cheryl Mills and the other potential targets of the criminal investigation over the destruction of Hillary Clinton's emails.

It should have been obstruction of justice. That is not gross negligence when you tell somebody to go destroy your phone with a hammer, and you have them use BleachBit to take out everything in your phone or in your computer. That is not gross negligence, that is intentional obstruction of justice, when you know that there is a subpoena after the things you are destroying.

But FBI Director Comey decided to play politics instead of law and order. Maybe that would make a good new series on television or Netflix—not "House of Cards," but "House of Injustice"—where we play politics with jus-

tice, instead of trying to do justice, trying to fulfill the oath to pursue justice.

In any event, he had "gross negligence," as the term he attributed to Hillary Clinton, in that first draft. But, apparently, when he realized that gross negligence would be a crime, he eliminated what would clearly have been a complete accusation of a crime having been committed by Hillary Clinton.

So, interesting, just more information coming out about why James Comey should not—well, he should be considered someone worthy of investigation himself. He admitted to leaking information in order to manipulate the Justice Department, not by being up front and recommending a special counsel—oh, no. He wanted to create a special counsel, just like he did when he told John Ashcroft to recuse himself.

Ashcroft, obviously, not knowing what Comey had in mind, but he was going to appoint his child's godfather to be special counsel—Patrick Fitzgerald—and let him go on a witch hunt trying to get Karl Rove or Vice President Cheney—unsuccessful. So he manipulates and creates a case against Scooter Libby, so he could at least have a scalp to show for the millions and millions of dollars that were wasted.

But from Comey's standpoint, his child's godfather made a lot of money, and Comey got to lash out at the Bush administration, so probably from their standpoint it worked out real well.

But it also points to the fact that since James Comey has been involved up to his eyeballs in what is going on as FBI Director, whoever were to be special counsel, if anyone, they would need to be someone who is not close friends with James Comey. And, as Comey apparently pointed out to the *Washingtonian*, when they were doing a big article on him back in 2013, basically, Bob Mueller—if the world were on fire, Bob Mueller would be the one standing there with him to defend him at the end.

So, clearly, Mueller, if he were interested in ethics, would have refused—and actually interested in following the law himself—he would have refused to be appointed special counsel. But we now know that since Mueller, as FBI Director, was involved in the investigation of Russia's efforts to gain United States uranium, to try to corner the market on uranium, and they were apparently committing crimes in their efforts paying bribes, whatever is necessary, to try to acquire United States uranium, the investigation went on apparently for 3 or 4 years, as an undercover person.

Well, Mueller and the U.S. attorney in charge of the investigation, named Rod Rosenstein, actually the guy who appointed Mueller to be special counsel, they ended up ensuring that the records of that long-term investigation would be sealed, and they even went to court and got a court order to seal it.

And whose name was on the motion to seal those documents? Rod Rosenstein. He did have a deputy sign on his behalf, but Rod Rosenstein was sealing the records so people couldn't know that Russia was committing crimes while they were trying to acquire U.S. uranium.

□ 1230

If people saw that the FBI and the Justice Department knew that Russia was committing crimes, paying bribes trying to acquire U.S. uranium, then they would have been complicit with the effort to approve the sale of uranium to a country that was committing crimes to get it. If they had not approved that, then it is doubtful that the Clintons would have struck the megamillions Russian lottery the way they did, and their foundation.

So the last two people in the country that should have been involved in an investigation into potential Russian collusion should be a person named Rod Rosenstein and another person named Robert Mueller.

I have great respect for his valiant service to our country in Vietnam. This isn't about Vietnam. This is about manipulating the justice system. It is about sealing an ongoing investigation that showed crimes being committed to put our national security at risk, and not speaking up against the sale of 20, 25 percent or so of America's uranium to an entity that would provide it to Russia.

We now know that that uranium did not stay in the United States, as some had said. Well, when you are going to sell uranium to people who have been paying bribes, acting illegally, is it any surprise that if they are willing to violate the law, that they would be willing to violate the terms of an agreement or other laws regarding that uranium?

So I am still hoping—and, yes, I believe in prayer, so I am hoping and praying that justice will be done, that those who should not be investigating will step out of the picture or be forced to step out of the picture, and we can have a fair investigation into potential crimes.

Another very important piece of information that has come out about the shooter in the Sutherland Springs massacre has been this scream, this cry for more gun control, and that is immediately after we had a radical Islamist terrorist screaming "Allahu Akbar." Even on FOX they said that means "praise be to God." No. It means "praise be to Allah."

If you want to look for "praise be to God," you can look for somebody to actually say in English, "Praise be to God;" or you could look on top of the Washington Monument, where American leaders had inscriptions on all four sides of the metal capstone on top of the Washington Monument; but on the side facing the U.S. Capitol, they had inscribed in Latin, "Laus Deo," meaning "praise be to God;" not "praise be to Allah," but "praise be to God."

The reason they had “Praise be to God” facing the Capitol is that this is east of the Washington Monument, and what they aspired to have was the first rays of God’s sun every morning striking “Praise be to God,” enlightening those words before anything else in our Nation’s Capital was lit; “Praise be to God,” then the rest of the Capital City would be lit. That is why it is there.

It turns out that the New York killer, the radical Islamist, he came to the U.S. under the diversity visa lottery program that was started because apparently some Senators and a few Democratic House Members believed that we were having too many Hispanics come in and we were not having enough Irish come in. So they created this program so immigrants like Irish, who were not being properly represented in the numbers, could have a chance to come into the U.S. the way so many Hispanics were.

Well, I didn’t think we cared about national origin that we needed a special program to give some other countries a chance that Hispanic countries would not have, but apparently some thought that was going to be appropriate.

It is high time to get rid of the program. We have known for years terrorists have been trying to win the lottery, and terrorists have won the lottery.

My friend, the chairman of the Judiciary Committee, BOB GOODLATTE, had a terrific op-ed in *The Hill*, entitled: “Visa lottery program is too much of a gamble for our nation and needs to end.”

Republicans in the House voted to end the diversity visa lottery back in 2005. The Senate wouldn’t take it up. Senators were still there that helped start the program, like Senator SCHUMER. Then Democrats had the majority for the next 4 years after 2006. They certainly weren’t going to end the diversity visa lottery program. They are the ones who wanted it.

Then, in 2012, in the session after we got the majority back, we voted again to end the lottery, but the Senate, again, wouldn’t take it up.

In the last session, we didn’t get it voted out, but I am grateful to the chairman of the Judiciary Committee, BOB GOODLATTE, for pushing, as he has, and I am hoping we can get that bill to the floor that will allow us to end it.

In that op-ed, Chairman GOODLATTE says: “The visa lottery, which was enacted 10 years prior to 9/11, is foolish in the age in which we live. Those in the world who wish us harm can easily engage in this statistical gamble with nothing to lose. The Office of the Inspector General at the State Department has found that it poses significant national security risks. In fact, Saipov—“the New York City radical Islamic terrorist—” is the fifth person who has been accused or convicted in connection with terrorism plots to have come here through the visa lottery.

“In another instance, Hesham Hadayet, an Egyptian terrorist who killed two and wounded several others at Los Angeles International Airport on July 4, 2002, was a lawful permanent resident who received his green card through the program”—the diversity visa lottery program—“since his wife was a visa lottery winner.”

So this Egyptian terrorist was a lottery winner, or his wife was, and the two people who he killed in L.A. Airport and those he wounded were the losers of that lottery.

Chairman GOODLATTE goes on to say: “Additionally, in August of 2002, Pakistan national Imran Mandhai pleaded guilty to conspiring to wage jihad by plotting to destroy electrical power stations, the Israeli consulate, and other south Florida targets. He entered the United States with his parents, who had won the visa lottery, in 1998.

“Similarly, in August 2002, two diversity lottery winners from Morocco—Ahmed Hannan and Karim Koubriti—were indicted as members of an alleged terrorist ‘sleeper’ cell in Michigan. In June 2003, a jury convicted Koubriti of conspiring to provide material support or resources to terrorists, and Hannan of possessing false documents.”

So visa lottery applicants, some of them—many of them submit several applications under different names in order to increase their chances of winning the visa lottery.

Chairman GOODLATTE continues: “And marriage fraud is rampant in the program. ‘Pop-up’ spouses often appear in between the time that the applicant registers for the lottery and the time when the applicant is interviewed by the State Department. These ‘spouses’ pay the applicant in order to be part of the applicant’s green card winnings.”

Winnings from the visa lottery.

Chairman GOODLATTE continues: “The United States has the most generous immigration system in the world, admitting more than 1 million legal immigrants each year.”

There is no country in the world that allows that many people to come into their country legally. We are far from being the largest country either geographically or population-wise, yet we are the most generous country in the world in allowing people into our country legally.

Chairman GOODLATTE goes on: “Eliminating the visa lottery does not negate our Nation’s generosity, but makes our immigration system smarter and safer for the age in which we live. Our immigration policy should be based primarily on our national needs, security, and economics, as opposed to an arbitrary system. The visa lottery is too much of a gamble for our Nation to make with today’s ongoing threat of terrorism and must come to an end.”

There is no other country in the world that is so stupid regarding its own national security and national interests that it allows a lottery to determine who would get a visa to come into their country. It, hopefully, will be ending soon.

That is why there was this article in *The Daily Caller*: “GOP Senators Distance Themselves from Diversity Visa Program They Helped Create.”

There are some who helped create the diversity visa lottery program in the Senate who are saying: You know what? Maybe it is time to get rid of it. I hope we will.

Yesterday, though, in the House Judiciary Committee, we did have a bill come up. It is being urged by law enforcement, Federal law enforcement, by the Justice Department, FBI, the National Security Administration, CIA, our intelligence folks. They are saying: We have got to have this 702 program reauthorized that will end on December 31 of this year.

Well, we know that the system has been abused. We were assured when I was here early on in Congress that: Gee, just reauthorize this, because there are no Americans who are going to be harmed by allowing these warrantless wiretapping situations. The only way an American could be caught up in this wiretapping would be if they are talking to a known foreign terrorist or a member of a known foreign terrorist organization.

So that gave me some security. And back then—some years back when we were authorizing the program, I said to my friends that were against the program because they were afraid an American would be caught up: Well, if they are afraid of being caught up in this wiretapping or this tapping into phone calls, then just make sure that their foreign terrorist friends call them on somebody else’s phone.

That was glibly said. Little did I know that it is not just known foreign terrorists and it is not members of known terrorist organizations; it has gotten so far afield that even if a Member of Congress has an innocent visit with a diplomat or an ambassador from a foreign country, that can be—and apparently, we are told, has been—used to listen in and monitor conversations. But we were assured there is a great safeguard, because if an American is picked up under this monitoring of foreign terrorists, then the American name will be masked so nobody will know who it was.

So through the Fourth Amendment, we will protect them from having a warrantless search of a conversation without a warrant from a judge, which requires that they are proving probable cause to believe that the individual is involved in a crime, has committed a crime. And then with that probable cause being proved—as a judge, I signed felony warrants for searches, for seizures, for arrests, but you had to have probable cause.

□ 1245

But you had to have probable cause. This allows them to grab those conversations without probable cause.

So with all that we have begun to learn, and especially when we found out how liberal the Obama administration was with unmasking American

names and that we had people who have shown themselves to be extremely political in their decisions and activities, even being willing to go on Sunday morning television shows six times in 1 day and lie intentionally to the American public about the Benghazi matter, that that same political person would be unmasking American names right and left, and although I know there is one Republican who said, "Oh, I talked to her, and I'm convinced that she's fine," well, I am not. We need that being thoroughly investigated, as well as the other unmaskings being properly and thoroughly investigated by people who are not so gullible.

This is serious stuff. When we in Congress allowed this loophole around the Fourth Amendment requirement for warrants in order to seize or obtain evidence, we anticipated that it would be carefully and strictly adhered to. And then we see the unmasking has been so liberally done, and there certainly seems to be a *prima facie* indication, when you look at who unmasked and the people who were unmasked, that you have one political party in power investigating their political opponent for political gain. And, once again, thank God it didn't end up the way they hoped.

But this is still quite serious, and that is why I applauded my friend, another fellow felony judge in our background. Former Judge TED POE and ZOE LOFGREN from California, Democrat, had a good amendment in my opinion, and it was going to require that before law enforcement—once they obtained these American names and numbers, well, law enforcement, apparently, once they have obtained these American names and numbers and phone numbers and conversations, and obtained them without probable cause in compliance with the Fourth Amendment, there are countless numbers of queries being made into the database on that individual or on the phone number just doing phishing expeditions, and then, if they find something, seeing if they can use that information to help prosecute them on another matter. Those are truly phishing expeditions. They should not be allowed without a warrant.

Okay. We will say you obtained the information legally, even though you did it in violation of the Fourth Amendment. But if you are going to go back and research that database, you should have probable cause before you start being allowed to basically listen in on conversations or follow up on all kinds of activity that was gathered without any probable cause.

This is what the government does that the Founders were afraid of. They didn't know that there would be cell phones some day or the highly technically proficient ability to communicate we have now. But they knew that mankind would not change. It has not changed. There has always been evil. There will always be evil in this world, and we have to guard against be-

coming part of the problem when we are in the government.

The Founders' safeguards, all of those amendments, basically, were safeguards, whether it was the First, Second, Fourth, Fifth, Eighth, Tenth, I mean, those are critically important—Sixth Amendment. Those are all important to preserving our rights. So I was saddened that that amendment failed: 12 voting for it, 21 voting against it.

I appreciate the chairman and the ranking member, Mr. CONYERS, agreeing to an amendment that Mr. CICILLINE made, my Democratic friend. And, in fact, I had an identical amendment I was going to make, except mine added two other safeguards, two other laws.

My friend and neighbor—office neighbor, that is—agreed to accept my friendly amendment, to add those other two laws, to ensure that when the U.S. Government went after and examined and queried this 702 material—the warrantless wiretapping, as The Hill calls it—that these laws would apply to those queries to hopefully increase the concern by those making the queries that they could be punished.

But this article goes on and says: "The current law allows Federal investigators to search collected data belonging to American citizens, an authority critics say circumvents Fourth Amendment protections against unlawful search and seizure.

"The Liberty Act would require criminal investigators to obtain a court order before viewing the content of any American's communications collected under the NSA program—but would not require a warrant to search the database in the first place."

So the Liberty Act it is referring to actually was used as the amendment to that bill.

Anyway, I know Mr. CONYERS is quoted in the article, saying: "We have been assured in explicit terms that if we adopt this amendment today"—talking about the Poe-Loftgren amendment—"leadership will not permit this bill to proceed to the House floor."

And that was also a concern mentioned by our friend from New York, JERRY NADLER.

But I would submit that we should not be afraid of Republican leadership doing the wrong thing. At least, it doesn't hurt, I guess, to have a healthy fear because that certainly has happened. But we still ought to be pushing to do everything we can to ensure that the U.S. Constitution is properly followed and we don't continue to have loopholes around it.

So that is an ongoing fight, and the Senate has got to take it up. But there are concerns that the Senate is just going to rubberstamp what the NSA wants. They are not going to have any of the safeguards that we put in the bill as it is already, which I still don't feel is enough, and that is why I voted against it, as did the man who sits next

to me in the Judiciary Committee, JIM JORDAN. ANDY BIGGS voted against it as well.

So there were a number of us who voted against the bill because the proper protections, in our opinion, are not there. We have just got to continue to advocate for that.

I also want to mention a bit of fake news that came from the Huffington Post.

I have met Ms. Huffington. She could not have been more congenial. When I was at ABC, going to be on the Stephanopoulos show Sunday morning, she was a delight to talk to, but the stuff coming out of her publication sometimes is rather astounding.

We had a debate in the Natural Resources Committee. We were voting on some bills, and a comment I made that was not necessarily central to the discussion but I thought might be interesting—I mean, if they would look at my full comments and comments I have made and continue to make, as I have said before, British Petroleum should never have been allowed to keep operating their drilling platform in the Gulf of Mexico called Deepwater Horizon. They had hundreds of egregious safety violations when other companies had one or two.

The only reason we can find that the Obama administration allowed British Petroleum to continue to drill with such egregious safety violations, with such complete, utter disregard for the safety and well-being of those on the platform and of wildlife in the Gulf of Mexico and those bordering the Gulf of Mexico, all we can find is they were about to come out and endorse the President's cap-and-trade program, something that Speaker PELOSI desperately wanted.

I had read an article that indicated they even had BP representatives in the office of Senator John Kerry trying to work out when they would do the big rollout of this big oil company that was going to support cap-and-trade. Basically, they would have an inside deal and would have made billions of dollars that other oil companies would not have made because they didn't have the inside track like the Obama administration was going to give BP.

But that is when the Deepwater Horizon blew, from what I understood, and so that is why the Obama administration was so slow to respond. They kept hoping this was going to go away and it wasn't going to be as serious, because BP was assuring them: Oh, it's not that bad. We have got it under control.

They didn't have it under control. They should never have been allowed to have been drilling when that blow-out occurred. It did have an adverse effect on the Gulf. It did have a very adverse effect on so many things.

But the comment that the Huffington Post wanted to create some fake news, latched onto, is I was really upset and concerned about the damage that BP had caused.

I have to go back and look. It wasn't that long after this happened, but I

drove hundreds of miles along the beach, and I kept getting out with my high-def camera expecting to be able to find a lot of oil on the beaches. I know I had read and seen there was a spot south of New Orleans, and, apparently, I didn't start close enough to that.

I understood it was really ruining the beaches of Florida, and I went along the Miracle Coast and along the Mississippi and Alabama coast there. Everywhere I went, I would maybe find a few drops of oil like we have on our Texas beaches quite often, but it is just a drop or two here or there. I was going: Where's all the oil?

Everybody said: Well, it is, like, 5, 10 miles up the coast.

So I kept going up, looking for this big oil spill on the beach. And I knew there were people who were undertaking heroic efforts, you know. I had seen those on the news. I had talked to people who were doing it.

Kevin Costner had a great idea, it appeared, for sopping up the oil to keep it from getting to the coast. So there were Herculean efforts being made to stop the oil. But there should have been more oil on the beach.

So they want to make it sound like I am just oblivious to any oil ever coming ashore because I did say what is absolutely true, that it is amazing the way nature seems to take care of problems, and we know that because there is ongoing oil seepage every day.

I don't want oil on our beaches. I hate oil on the beaches.

□ 1300

Really, it is infuriating when you are walking along the beach and you step on an oil bubble and then you have to spend a bunch of time trying to get that oil off your foot, even a small drop. But you could go to southern California, off the coast, and find drops of oil here and there from natural seepage.

The National Oceanic and Atmospheric Administration, you can go to their website, and they talk about natural oil seeps. They said: "A 2003 report from the National Research Council estimates that, on average, approximately 160,000 tonnes"—and it is spelled t-o-n-n-e-s; apparently metric tons—"of petroleum enter North American waters through natural seeps each year."

Apparently, 1 ton is about 7.33 barrels per ton, or 307.86 U.S. gallons per metric ton. So if you multiplied 307—or 308, if you want to round it; multiply 160,000 tons by 308, then you could get an idea of how many gallons of oil seep out just through cracks in the Earth's surface and come up through the waters.

They are hard to find, although sometimes you can see them from satellites or from aircraft. You can see the oil shimmering on top of the water since it is lighter than water. It floats up through the seawater and comes to the surface.

Anyway, just more fake news trying to create a big deal where there wasn't

any. But you can go online to Woods Hole Oceanographic Institution. They have a good article on the natural oil seeps. It says: "As much as one-half of the oil that enters the coastal environment comes from natural seeps of oil and natural gas. These geologic features are known to occur in clusters around the world, such as off the southern coast of California and in the Gulf of Mexico, but are still relatively unstudied. In recent years, advances in remote sensing have enabled more accurate detection and estimates of natural oil flows into the ocean."

"In locations where seeps are found, oil flows slowly up through networks of cracks, forming springs of hydrocarbon similar to the La Brae tar pits on land. Lighter compounds rise buoyantly to the water's surface and evaporate or become entrained in ocean currents; others fall the seafloor and collect over hundreds or thousands of years."

So if you multiply 308 times 160 tons, and then multiply that times thousands of years, you will get an idea as to how much natural seepage there has been of crude oil into the ocean.

But at least the Huffington Post article points out that—and this was from the Deepwater Horizon blowout—"About 24 percent is believed to have evaporated or dissolved. The remaining 35 percent was 'naturally dispersed' or persisted in the environment." And it says only "41 percent was directly or chemically recovered, burned or skimmed."

So they only got 41 percent. That is pretty good. It is not good enough. We need to be better at doing that. But it really is amazing how nature seems to respond to catastrophes, but we are supposed to tend the garden, and that means we do the best we can to keep the garden clean.

Mr. Speaker, I want to return to the issue about the shooting down in Sutherland Springs. The President, I think, appropriately pointed out when he was asked about it. He said: I think that mental health is your problem here.

People are screaming for more gun control. Yet every time it seems that more gun control is pled for, our people that mean well stand up and scream: Oh, you got to do something. I don't care if it is wrong. Just do something.

Well, it may be well-intended, but that is extremely foolish. You can do more harm by doing something even if it is wrong. It is often tragedies that lead to the worst legislation because people in Congress feel like we have got to do something. We have got to do something quick, even if it is wrong, so that the American people think we are dealing with it.

Jefferson was not at the Constitutional Convention, but I understand he suggested that potentially a good amendment would be that you could not pass a bill here in Congress until it had been on file for a year.

Obviously, that has never made its way into the law, but some of our worst legislation comes too quick as an

overreaction to some tragedy, some failure when we don't have adequate time to see what would be the best thing to do.

As it turns out in the Texas shooting, the gun laws were entirely adequate to prevent that from happening, but for those who put their faith in the government keeping us protected, which our Founders did not do—that is why we have a Second Amendment—you have to look no further than this tragic massacre to understand the government is not likely going to be there to protect you.

It turns out the shooter, a man full of evil, was convicted of a crime that should have prevented him from even having a gun. Yet the Air Force failed to get the conviction into the databank so that when searches were done, background checks didn't pick it up.

So when the government fails, the Founders expected that by having a Second Amendment where, not the military of the United States, but actually militia groups that form up, they would be able to have weapons. Those were rank and file citizens who were not hired by the government. They were simple citizens of the United States who would respond to suppress any outrage that the government might try to impose.

That is what happened when Patrick Henry got 5,000 people to come out when the British Government, that was the law of the land, started going through their homes and taking whatever they wanted.

They responded with guns, citizens coming out of their homes. No, I am not advocating for those who want to create more fake news. I am not advocating for a revolution. We have, fortunately, a Constitution in place that they didn't have in 1775, that allows us to fix things without having to have a revolution.

But the answer is not more gun control laws. This guy was full of evil. He had mental health problems. The system should have prevented him from having a gun. The laws that were in place should have prevented that, and I am grateful that the State of Texas did its part.

He applied for a concealed carry permit, and even though the Air Force conviction wasn't there, there was enough evidence to prevent him from getting a concealed carry permit in the State of Texas. But the other laws, where the Federal Government is supposed to protect us, failed to work because the government often fails to do its job.

The thing that really, to me, became an outrage—and it is something that our Founders feared perhaps more than anything else when they were trying to set up a good governing document—was persecution of Christians. That is why so many people came to this country in its earliest days.

Christians were being persecuted, as has happened for over 2,000 years. They thought if they came to America and

they could have a country where they could be free to practice their Christian beliefs without government prosecuting and persecuting them, that it would be just a little slice of heaven on Earth, as much as you could get while there is still so much evil in the world.

Now, as this country, led by its Supreme Court, others like the ACLU, and Freedom From Religion groups, they—we have already been told, you can't mention God. You can't pray. You can't mention your religion. Well, that is certainly not what was the feeling of those who were the predominant Founders and those who made the best improvements in America.

It was a Great Awakening, a huge revival in America. Before the mid-1700s, so much of the country turned to God, had Christian beliefs, Biblical beliefs, and their children—children like Sam Adams—grew up having such profound faith in God, profound faith in the Bible.

I was looking down the hall in what is right below the rotunda and one of the signs up there mentioned Sam Adams. Sam Adams was called the Father of the American Revolution. He was a product of the Great Awakening in the 1700s.

He was so moral. I guess many people knew that he knew how to make good beer. But he also had profound belief in the Bible, in God, in nature's God, and that is what drove him to push for a country where there could be equality; where people could practice their religious beliefs, whether they were atheists, Buddhists, Confucianists, Orthodox Jews, Muslim, only so long as they did not believe that their religion should overtake and supplant the U.S. Constitution, which is what radical Islamists believe.

We have now come to a place where Christians are being so vilified and belittled and besmirched that this country is beginning to look like the places that the Christians that fled to America had to leave to avoid persecution.

So we get these Twitter comments that say—an article from the Huffington Post, naturally—playing up the ridicule of Christians.

One tweet from Rosanne Cash says: "They were in a church that was full of prayers. They need a government that will enable commonsense gun laws."

Karen Tulmulty said: "Thoughts and prayers for people who were mowed down in a church sounds especially hollow."

Michael McKean said: "They were in church. They had the prayers shot right out of them. Maybe try something else."

Keith Olbermann said: "'Thoughts and prayers' again . . . idiot? These people were in CHURCH. They WERE praying."

Katie Mack said: "At this point, 'thoughts and prayers' just means 'shut up and take it.'"

□ 1315

Wil Wheaton said: "The murdered victims were in a church. If prayers did

anything, they would still be alive, you worthless sack of S-dot-dot-dot."

Chris Evangelista: "They were already in a church . . . it's almost like prayers do absolutely nothing and actual reform is needed."

Marina Sirtis said: "To all those asking for thoughts and prayers for the victims . . . it seems that your direct line to God is not working."

Josh Gad: "Terror attack that kills six gets travel bans same day. Deadliest mass shooting and deadliest church shooting ever get prayers and too soon to talk."

Roxane Gay: "After a mass shooting in a church, the phrase 'thoughts and prayers' from the mouths of useless politicians becomes even more asinine."

Robert McNamara: "We need more than prayers. . . . Today's victims were at church praying. We need sensible gun regulation and a ban on AR-15 weapons."

By the way, if there were a ban on AR-15s, then the shooter would have been allowed to continue shooting, and he probably would have killed everybody in the church because the guy that stopped him, thank God, had an AR-15 that he used to shoot him and get the carnage to stop.

Sara Bonaccori says: "Clearly your prayers aren't working if a mass shooting can take place in a church. Maybe we can try a legislative solution now?"

Mr. Speaker, it just goes on and on belittling Christians and belittling people who believe in the power of prayer.

Then we had an article from The Hill today. Representative JARED HUFFMAN in a news interview says that he thinks there is too much religion in politics. Huffman told The Washington Post that he has for years not answered questionnaires that ask him about religious beliefs instead putting: unspecified or none of your business. I don't believe in religious tests.

I don't either. Although if somebody says they are a Christian and they come before our committee and they keep making a big deal about how I am a Christian, then, as we know even in court, credibility is always an issue. If you say under oath you are one thing and it turns out you are not, then you are not really a Christian, you don't have Christian beliefs, and that is worth knowing.

You say you are a Christian? What does that mean? I will not hesitate to ask that if it is going to reflect not on their religious beliefs. I am not going to hold those against anybody. But if you say you are one thing and you are lying, that is important to find out.

Anyway, more of the same. There is a great article in National Review by David French, dated November 6: "In the Face of Evil, Prayer Is the Most Rational and Effective Response."

He points out that: "While I disagree with atheists, my quarrel right now isn't with their disbelief, it's with their choosing this moment to not only mock Christians but to also display

their ignorance of basic Christian theology."

"You see, the presence of evil—especially the increasing presence of evil—demands a prayerful response. Scripture is full of examples of God's people crying out to Him in great distress. Jesus cried out to God in His great distress. Time and again God responds in ways that bring healing and restoration to broken people and broken nations. He always responds in some way—often not the way we ask or demand."

If He were to intervene and stop all evil, then it means we become robots; we don't have free choice. We become basically robots. As any parent knows, you can order your child to love you or to hug you, but there is nothing that means more to your heart and soul than a sweet, little child running up to you voluntarily, throwing their arms around you, and saying, "I love you, Daddy" from the heart.

If we have a Heavenly parent, doesn't it make sense that that Heavenly parent would want us free to choose to love the Heavenly parent?

The article says: "Progressives always respond to mass shootings with a series of proposals that wouldn't have stopped the mass shooting."

Mr. Speaker, it is happening again. It is happening again. This shooter in Sutherland Springs, Texas, could not have lawfully possessed his weapons, but he ignored existing gun laws. So who follows the laws if you pass laws to take away guns? The honest people, the ones who are victims in a shooting like this. That is who follows.

There are laws in Texas that enable a church to be a gun-free zone, and apparently too many people assume every church is gun-free. If someone had had a gun in that church, there would not have been 25 people killed.

So, Mr. Speaker, my thoughts and prayers are with the country, and I hope and pray others will join.

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

#### TAX REFORM

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

Mr. SHERMAN. Mr. Speaker, I want to thank the Speaker for recognizing me and indicating that I can speak for an hour. We get caught up in so many issues here that we sometimes don't explore them in depth, and with 1 hour, I plan to look in depth first at the President's trade policy toward China, and then toward the Republican tax bill.

The President is meeting again with President Xi from China. They will put out a beautiful joint statement, they will pose for photographs, and there will even be a business deal or two to announce.



These are the two largest economies in the world. They involve tens of trillions of dollars. So every month, a few big things happen that are bad, and one or two big things happen that are good. There is always a particular business deal that you can package and wrap as a photo op.

But the fact is that we have to look at the overall trading relationship. The trading relationship is this: we run hundreds of billions of dollars of trade deficit, and every billion dollars of trade deficit cost us 10,000 jobs.

So let's look at what has happened while President Trump has been in office. We look each month at our trade and goods with the People's Republic of China, and we start with a deficit of just a bit over \$22 billion, and for the most recent statistics available, August of this year, we are up to almost \$35 billion.

What is interesting about this chart is that every month Trump has been in office, our trade deficit with China has grown. Now, he can say that he doesn't have the power to do anything about that; he just wants to be a pretend President, a pretense President, a posing President. He can pose for a picture, but he doesn't have the authority to do anything.

That is completely wrong. Look at section 338 of the Tariff Act of 1930, and you will see that the President acting alone could eliminate this deficit by imposing tariffs on Chinese goods now. But he won't do that because his plan—and what he has done over the last 2 years is he campaigns like he is BERNIE SANDERS at least on these issues, and he governs like he is from Goldman Sachs which, of course, many of his advisers actually are.

Even after the campaign was over in November of last year, the campaign continues, and he continues to pretend to be in favor of the trade policies associated with BERNIE SANDERS and others, and he continues to govern in the interests of Goldman Sachs.

Now, this chart does not reflect services because services trade between the United States and China is not available on a monthly basis, but the trend would be exactly the same: huge growth in the deficit month after month after month after month—February, March, April, May, June, July, and August of this year—and likely to continue for the other months that the President continues to serve and the statistics become available.

Now, we are told perhaps that it is okay to give away all these American jobs because we would need Chinese help to deal with North Korea. Let's see how that is working out. The President, prior to this trip, had met with President Xi twice, and now we have a third meeting.

After those first two meetings, North Korea explodes a hydrogen bomb and tests a missile capable of reaching major cities in the mainland of the United States all with the acquiescence of the Chinese Government. So whether

you are concerned with our national security or whether you are concerned with jobs and trade policy, we can no longer have a President who poses and pretends and ignores the statutory authority that he has on laws that have been on the books since the 1930s.

Now let's talk about the Republican tax bill. This is a bill which will raise taxes on millions of middle class families. Now, it gets worse in a few years. There is a bit of a bait-and-switch. They will want to tell you: Just look at how this bill will affect your tax return in 2019.

If you plan to still be alive in 2027, take a look at the effect it is going to have then.

Let's look at middle class families—not the poorest 20 percent in our country, not the richest 20 percent—that middle 60 percent. Roughly 30 percent of those families in the middle class are going to see a tax increase on their 2027 tax return, and that tax increase is calculated at an average of \$1,300 per family.

Let's look at the individual provisions to see how fair they are to middle class families. First, right off the bat, they take away the personal exemption which, on next year's tax return, the first year that this new bill would be effective, is worth \$4,150 per person in your family. That is nearly \$21,000 for a family like mine of five.

They take away \$21,000 of deductions even from the poorest families in America and from every middle class family as well. Now, they say they are going to replace that with a child tax credit. But if your children are over age 16, that credit is limited to a few hundred dollars next year, and then they make it zero 5 years from now. So if your kids are going to turn age 17 sometime in the next 5 years, they have got your name on this bill.

They also do increase the standard deduction. But tens of millions of Americans don't even take the standard deduction. They choose to itemize their deduction.

So one replacement is inapplicable in a few years to kids of a few years old, and the other is inapplicable to the millions of families that don't itemize their deductions. But even if it is applicable to you, you are losing for a family of five \$2,100 roughly. What about a family of six, a family of seven, a family of eight? Another \$4,150 per child, and they replace it with an increase in the standard deduction of \$1,200 and a per-child credit of \$600 or \$300 or absolutely zero if your kids are over age 16 and it is a few years from now.

Next, let's talk about moving expenses. The current code says that if you are working at a factory, it closes down, and it is moving 100 miles, 300 miles away, and you have to move your home, if you have to find a new home to live in, you get to deduct your moving expense. They take that away. But what do they leave? If you own a factory, you shut it down, and you move it to China, then all of the moving expenses are tax deductible.

□ 1330

Don't let them tell you they are taking away the moving expense deduction. Sure, they are taking it away from individuals and employees, but they are leaving the moving tax deduction for those who are moving their factories to China.

Of course, they take away the student loan debt interest deduction. If you are investing in yourself, in a family member, or in education, the interest deduction is wiped off your tax return. But if you are investing in a Chinese factory, the deductions are there for you. They are not anti-investment. They are just anti-investment in the skills and capacity of American workers.

Next is the medical deduction. There is a deduction for medical expenses. It is available only to a few families with particularly large medical needs. You don't get the medical deduction unless your un-reimbursed medical expenses—thanks to the Affordable Care Act, most people have at least decent insurance. You still have some medical expenses that are out-of-pocket, but if your out-of-pocket medical expenses exceed 10 percent of your income, then to the extent of that excess, you can take a deduction.

If your out-of-pocket, uncovered medical expenses are 13 percent of your income, you can deduct the 3 percent. That is not overly generous. It is not even applicable to most families.

Who needs it?

People with disabilities, families with children with special needs, and people with cancer and other severe diagnoses. That is who they target.

They say: Well, if you make some money, and then you have to spend it dealing with medical services, dealing with therapies for special needs children, for disabled, for people with cancer. Well, just because you don't have the money because you had to spend it on medical services doesn't mean we can't tax you on the money. And they do.

Well, there is another group of people who are unlucky enough to have extraordinary expenses, and that is casualty losses. If you have a small fire or some small casualty, you are not going to get a deduction. The deduction applies only when your casualty losses exceed 10 percent of your income, and then only to the extent that they exceed 10 percent of your income.

We have had the wildfires in my State of California, not to mention the hurricanes in the Caribbean, and there are people who are going to say: Well, thank God that if the disaster had to hit our community, it hit us in 2017, because our casualty losses are deductible.

But what about the next disaster?

People with uninsured, out-of-pocket losses exceeding 10 percent of their income will not get a deduction.

Here is the Republican response: Look, if it is an enormous disaster that happens to take your house and the

CNN cameras are there, then your congressional delegation can come beg for a special tax rule for those affected by that disaster.

Well, first, what if your home burns down and CNN isn't there? It is not part of an enormous disaster? It is just something that hits you and a couple of neighborhoods?

You will never get a special tax provision. We are not going to write one for three or four people, or 30 or 40 people, or 80 or 90 people affected by a small brush fire.

But what if you are part of the next enormous catastrophe?

Your congressional delegation will be here, having to decide whether to bargain to give you a chance to take the same deduction that has been in the Tax Code since the 1950s, or whether to bargain to try to get disaster relief to rebuild the infrastructure and the public assets in your community.

Your congressional delegation probably doesn't have enough clout to do both. So which are they going to do?

It is clearly wrong and unfair to tax people on that portion of their income that they have to use to deal with a truly extraordinary casualty loss.

But there is another provision. This one hasn't been talked about much. That is the way in which they index Tax Code provisions for inflation.

There are some of the provisions they don't index at all. So they say that you can take your property tax deduction and itemize it—only the portion up to \$10,000. Well, \$10,000 sounds like a lot of money, but they don't index it.

So what about 10 years from now? What about 20 years from now?

You say: Well, I won't be in my house 20 years from now.

Yes, but the person you sell your house to will be there. If they say, "My God, all the prices are higher, all the wages are higher, all the taxes are higher," that \$10,000 limit on property taxes means, "I can't deduct but half my property tax bill." That will be factored into the price of your house.

As to the things affecting home ownership, no indexing. Everything that looks big now gets smaller and smaller every year as a result of inflation. Oh, by the way, this tax bill is going to cause more inflation.

There are other provisions where they say they are keeping the indexing, but they change from CPI indexing to chained CPI indexing.

What does that mean?

It is a system for indexing the brackets less than what would be if just look at the Consumer Price Index.

You say: I am only going to be in the 25 percent bracket under this bill. As I get raises to just compensate me for inflation, I will still just be in the 25 percent.

No, you won't. If you are fortunate, your employer will adjust your wages for real inflation, but the brackets are only going to increase for chained CPI.

We take away the State and local tax deduction. First, this is a departure, as

other provisions are, from the concept that we should tax people based on their ability to pay. If you make a certain salary and 10 percent of it is taken out and used by your local and State governments, then your ability to pay is the 90 percent of your salary you get to keep.

But they don't want to tax you on what you keep after State and local taxes. They want to tax you on the money that has already been spent on taxes.

The effect of this is not just on the middle class families who are going to lose a tax deduction on their return and be taxed unfairly. If you read what is put out by the rightwing think tanks, they say: We know why we are pushing this State and local tax elimination. Because that will create a political atmosphere where States like California and New York and New Jersey will slash the amount of money that they spend on things like public safety and education.

We won't just be affecting the people who are not taking the tax deduction. We will be turning to poorer families and lower middle class families who depend upon public schools, and it will just cause a political situation where less money is spent on local education.

So this doesn't just affect those who it affects on their tax return. This affects everyone who lives in the community.

As I have alluded to before, they take away a big chunk of the home mortgage deduction, particularly to the person you would sell your house to later. If you sell your house—and God knows what the inflation rate may be. It may be significant. It may be \$500,000, which doesn't sound like a whole lot of money then, even though it does sound like a big chunk of money now. I remember when \$50,000 for a home was thought to be a very high price. Anyway, the home mortgage deduction is limited for that buyer to \$500,000 of mortgage. The property tax is limited to \$10,000 of property tax.

What effect is this going to have on the ability to sell your home, which, in many parts of the country, is your whole nest egg?

People pay a big mortgage payment every month and they have equity in their home. Maybe they can retire because they have got 20, 25 percent equity in their home.

Well, yesterday, before the Financial Services Committee, we had Mark Zandi testify, who is one of the leading economists in this country, the head of the economics operation at Moody's Analytics. He said that in major metropolitan areas, like the one I represent, we are going to see a double-digit decline in home values as a result of this bill. A lot of that is the limit on home mortgage deduction and the property tax. There are other elements of this bill that also adversely affect home prices. A double-digit decline.

Then what does that do to the community?

You may say: I don't own a home. I just work at a restaurant. I live in an apartment.

Who is going to come to that restaurant and how big are they going to tip if they have just gone to Zillow and seen the value of their home and they have seen a double-digit decline?

The whole community.

This affects people from the New York metro area, the Philly metro area, Los Angeles, San Diego, and Orange County in California.

You are sucking money out of the local economy and giving it to the Federal Government by taking away the State and local property tax deduction. You are then slashing the value of homes with a double-digit decline.

What money is going to be in circulation to buy goods and services to support the entire regional economy?

This is going to hit like a hurricane in areas of the country that did not experience one.

My party is so focused on the great unfairness of this bill and the fact that it provides the bulk of its benefits to the top 5 percent and even the top 1 percent. That fact is hidden by the anomaly that most of the economic projections of this bill don't even look at the repeal of the estate tax. They only look at the income tax provisions. You can't just exclude a whole chunk of this tax bill in analyzing it.

We, as a party, are so focused on the huge unfairness that we almost don't want to talk about the effect it will have on the overall national economy. This isn't just an unfair bill. That isn't just a bill that enriches the rich. This is a deficit-exploding, outsource-promoting, job-killing, growth-reducing disaster for our Nation's economy.

You want to know the effect of huge tax cuts on an economy?

Look at Kansas. They slashed their taxes and now a Republican legislature is reversing it because of what that has done to tax receipts and to the Kansas economy.

Let's take a look and see what effect this is likely to have at the national level. I turn to the Center on Budget and Policy Priorities, where they say that this tax cut is an ineffective way to spur economic growth and is likely to harm the economy if it adds to the deficit.

Well, what is the plan in the budget Republicans all voted for?

To deliberately use this tax cut to increase the deficit by \$1.5 trillion. But the Congressional Budget Office, under the Republican administration of this House and of this Congress, says it is going to do \$1.7 trillion. They say: Well, let's look at it more dynamically.

If you look more dynamically, it is going to increase the deficit by \$2 trillion or \$2.5 trillion, because it raises interest rates; it encourages offshore initial investment, stripping economic growth out of the United States, and for a host of reasons I will get to.

The more you look at the tax cut, the more apparent it is that it will cut

economic growth and increase the deficit by even more than the \$1.7 trillion that the Congressional Budget Office, during Republican control of Congress, is currently estimating.

Why is this?

Well, first, because incentives to invest in the Tax Code have little or no effect on privatization, according to a Congressional Research Service report. The empirical evidence in numerous report shows that the 2003 tax cuts had little impact on investment or employment.

□ 1345

Now, I speak with a little bit of experience here because I lived 20 years of my life in the tax world, most of it right at the intersection of investment and tax law.

I sat with families and charged them a large amount per hour to describe what the latest tax law said and what effect it would have on different investments. And my experience as a CPA and tax attorney and certified tax law specialist by my State bar was identical to that of Warren Buffett, who said:

I have worked with investors for 60 years, and I have yet to see anyone, not even when capital gains rates were 39.9 percent or when they were 15 percent, as they are now, I have never seen anyone shy away from a sensible investment because of the tax rate on the potential gain. People invest to make money, and potential taxes have never scared them off.

Now, that is why, when you look at the effect of this bill, you come to the conclusion, as the Congressional Budget Office did in looking at the Bush tax cuts and whether to extend them or allow them to expire, that, if you have taxes and you use that money to pay the deficit, that does more to help the economy. It is more important to fight the deficit than it is to tell various families, often at the very high end, that they get a tax cut.

Well, let's look at American economic history. I designed this chart here, and I focused it only after the 1986 tax cut for which Ronald Reagan is famous. There were many things about our economy back in the early 1980s, in the 1970s, and in the 1960s that aren't relevant today. We didn't have the trade policies back in the 1970s that we have today.

So we look at the Ronald Reagan 1986 tax policy as slightly adjusted by George H.W. Bush. We look at the policies that we had—I know the 1986 tax law. You think, well, that must have affected 1986. No, it really became effective in 1988. So you look at 1988 to 1993 and you see that we have economic growth of 2.67 percent.

Then, in 1994, you see the effect of the Clinton tax policies adopted in 1993, and we see economic growth of well over 4 percent. And these figures here are real economic growth per year adjusted for inflation, 4.4 percent.

So then George W. Bush gets elected, and starting in 2001, his tax policies are adopted by this Congress and enacted

into law, and we see that economic growth is only 1.7 percent.

Now, those Bush tax policies continued in force until 2013 because Democrats allowed them to stay in force until we finally adopted Obama tax policies, effective in 2013. Those policies continue to be in force right up to today.

The most recent statistics we have are up through September 30 of this year. The economic growth under those policies has been 2.22 percent.

So what we have seen here is that, when we adopt Republican economic policies and they become effective, we have substantially lower economic growth than when we adopt Democratic tax policies and when Democrats actually pass those policies and have the guts to pass those policies and put them into law.

So you have got to admire the Republican Party. They are able to get Member after Member after Member to say, without any proof, that trickle-down economics works, that if you just cut taxes, you somehow help the economy.

It doesn't matter if you can line up 100 Members to say the same falsehood at the same lectern in the same congressional Hall on the same House floor. What matters is the real history. And the real history is that the higher rates imposed under Democratic administrations have not just led to higher tax revenues, they have led to higher rates of economic growth.

Well, why is this?

Well, first, and perhaps most important, is having money available for business investment. There is a pool of savings capital available in our markets and in our economy, and the Republican proposal would come in and scoop \$1.2 trillion of that—take it out of the markets, take it out of the banks where it could be lent to small businesses, take it out of the bond markets where it can be used for expansions by big business—and just use it to pay for the tax cuts.

No wonder tax cuts that increase deficits hurt business investment and hurt the economy.

But there is more. We then add to our national debt, and the national debt is forever. Not only do we have the increase in the debt of \$1.5 trillion to \$1.7 trillion, but that debt will be here not just 10 years from now; it is there forever. Your great-grandchildren are going to be paying interest on that debt.

Then we have the international impact. You see, their proposal provides for a zero percent U.S. tax on any money made by any factory as long as you move that factory abroad. If the wage rates are too high in China, you can put it in Vietnam.

Now, in addition to saying you move your factory abroad, you pay zero tax on all the manufacturing profits because that manufacturing is being done abroad, we encourage moving the factory abroad. The work is being done abroad. We don't tax it.

But in addition, what is an area of economic activity where Americans excel? It is the creation of intellectual property.

Well, manufacturing might be done abroad; the design, the patents, the copyrights, the trade names, the marketing plans, the trade secrets, the intellectual property is created here. Under this bill, not only the profit you make on the foreign factory, but the profit you make from all that intellectual property can pay almost a zero percent American tax if you just take that patent and put it in a file in the Cayman Islands.

Now, I don't want to say that our current system for taxing international transactions is anything that we can be proud of. The present system, if you make money in a U.S. factory, there is a tax of 35 percent; you make it in a foreign factory, we also have a tax of 35 percent, but you can defer it. So, right now, if you are just trying to decide where to put the factory, you have got a tax in the United States that you actually have to pay and a tax on a factory abroad that you will pay eventually.

Well, what do they do? That take that 35 percent "eventually" tax and turn it into a zero percent "forever" tax. How much more incentive could they provide to move American factories overseas?

Now, the present system also has a problem in that you can defer tax only on the money you keep offshore. So their solution is to say, well, bring it onshore. We will provide a little tiny tax on it, and then all the money you made overseas the last 10 or 20 years, no U.S. tax, and at least the money gets repatriated.

Democrats are anxious to work with Republicans on repatriation. They could probably get a more Republican plan adopted than one that I would endorse in this speech, but why not tax the unrepatriated money? That way we would be saying, bring that money back or don't bring it back, you pay the same tax, so you might as well bring it back.

What we can also do is move to worldwide unitary apportionment: eliminate all the tax gains, and most of them are international; eliminate all the reasons to move factories abroad and generate another \$1 trillion every 10 years for our Treasury. That is the system that we ought to be moving to.

I am not here to say our present system is wonderful. I am here to say that we should not adopt a Republican system because it moves us even further away from what would be a fair system that would not encourage offshoring.

Another way in which we are affected internationally is that this tax bill would change currency values, change the exchange rate between the euro, the yen, the Chinese currency, and other currencies around the world in a way that will encourage Americans to import and discourage those abroad from buying our products—just another economic harm.

Another economic harm is touted by the conservative supporters of this policy. They say that by cutting taxes, we will get the Federal Government and State and local governments to spend less money on infrastructure and education. Well, if you want to ask what is it that makes a country wealthier than others, it is, first and foremost, the education of its workers, and then, second, the infrastructure that is available to productive activity.

In addition, as I mentioned before, they are going to cut the value of homes nationwide, most pronounced in the major metropolitan areas. What does that do to middle class spending, which drives our economy? It drives that middle class spending down. Who is going to go out to a restaurant if you have just been told that you have had a double-digit decline in the value of your home?

This bill will also cause higher interest rates because the Federal Government is going to be borrowing another \$1.5 trillion to \$1.7 trillion.

Now, so there is a difference between me and my party leadership. They say that the main reason to vote against this bill is that it is unfair by giving huge tax breaks to the top 1 percent and increasing taxes for millions of American families. I say you should vote against this bill because it is a deficit-exploding, outsourcing-promoting, job-killing, economic growth-depressing bill. But I think we will agree, whether you vote against this bill because it is unfair or you vote against this bill because it is bad for our economy, you will be performing an important service to our country.

Let me not neglect the fact that if you vote—that the bill isn't totally without being useful to somebody. It will reduce taxes for the Donald Trump family by over \$1 billion in estate tax and tens of millions of dollars in income tax.

Maybe that is not enough for you. Look at what it will do for the Koch brothers—far more than it will do for the Trump family. So if that is important to you, if that is the result you want to achieve, then vote for the bill.

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

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 194. An act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 3243. An act to amend title 40, United States Code, to eliminate the sunset of cer-

tain 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.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 7, 2017, she presented to the President of the United States, for his approval, the following bill:

H.R. 304. To amend the Controlled Substances Act with regard to the provision of emergency medical services.

#### ADJOURNMENT

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 p.m.), the House adjourned until tomorrow, Friday, November 10, 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:

3136. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's direct final rule — Black Stem Rust; Additions of Rust-Resistant Species and Varieties [Docket No.: APHIS-2017-0049] received November 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3137. A letter from the Acting Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measure against Bank of Dandong as a Financial Institution of Primary Money Laundering Concern (RIN: 1506-AB38) received November 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3138. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Clarifications to the Export Administration Regulations for the Use of License Exceptions [Docket No.: 160303181-6181-01] (RIN: 0694-AG80) received November 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

3139. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Rule on Attorney-Client Privilege for Trials Before the Patent Trial and Appeal Board [Docket No.: PTO-P-2016-0029] (RIN: 0651-AD10) received November 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

3140. A letter from the Executive Analyst (Political), Department of Health and Human Services, transmitting a notification of a nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

3141. A letter from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting the Administration's summary presentation of a final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-96; Introduction [Docket No.: FAR 2017-0051, Sequence No.: 1] received November 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

3142. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Relief for Victims of Hurricane Maria and the California Wildfires (Announcement 2017-15) received November 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3143. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Treatment Under Section 956(c) of Certain Receivables Following Hurricane Irma or Hurricane Maria [Notice 2017-68] received November 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3144. A letter from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report entitled, "Episodic Alternative Payment Model (APM) for Radiation Therapy Services", pursuant to Public Law 114-115, Sec. 3(b); (129 Stat. 3133); jointly to the Committees on Energy and Commerce and Ways and Means.

3145. A letter from the Assistant Attorney General, Department of Justice, transmitting the Attorney General's Fourth Quarterly Report of FY 2017 on the Uniformed Services Employment and Reemployment Rights Act of 1994, pursuant to 38 U.S.C. 4332(b)(2); Public Law 103-353, Sec. 2(a) (as added by Public Law 110-389, Sec. 312(c)); (122 Stat. 4165); jointly to the Committees on the Judiciary and Veterans' Affairs.

#### 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. THORNBERRY: Committee of Conference. Conference report on H.R. 2810. A bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 115-404). Ordered to be printed.

Mr. HENSARLING: Committee on Financial Services. H.R. 3973. A bill to amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage of market data (Rept. 115-405). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3017 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. BRADY of Texas (for himself, Mr. NEAL, Mr. REICHERT, Mr. PASCRELL, Mr. SAM JOHNSON of Texas, Mr. ROSKAM, Mr. SMITH of Nebraska, Ms. JENKINS of Kansas, Mr. PAULSEN, Mr. REED, Mr. RENACCI, Mrs. NOEM, Mr. HOLDING, Mr. RICE of South Carolina, Mr. CURBELO of Florida, Mr. BISHOP of Michigan, Mr. BLUM, Mr. WALKER, and Mrs. WALORSKI):

H.R. 4318. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty; to the Committee on Ways and Means.

By Mr. FITZPATRICK (for himself and Ms. SINEMA):

H.R. 4319. A bill to amend the FAST Act to improve contracting opportunities for veteran-owned small business concerns, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, 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. VELÁZQUEZ (for herself, Mr. LOBIONDO, Mr. MEEKS, Mr. JEFFRIES, Ms. CLARKE of New York, Mr. LANCE, Mr. PASCRELL, Mr. KING of New York, Mr. SMITH of New Jersey, Mr. SERRANO, Mr. SEAN PATRICK MALONEY of New York, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. PALLONE, Mr. KHANNA, Mr. SOTO, Mr. EVANS, Ms. NORTON, Ms. JACKSON LEE, Ms. WILSON of Florida, Mrs. RADEWAGEN, Mr. JONES, Mr. SIREs, Mr. PEARCE, Mr. LOEBSACK, Mr. QUIGLEY, Mr. CROWLEY, Mr. CARSON of Indiana, Mr. ENGEL, and Mr. MCEACHIN):

H.R. 4320. A bill to amend title 38, United States Code, to establish a presumption of service connection for certain veterans with tinnitus or hearing loss, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. VELÁZQUEZ (for herself, Mr. LOBIONDO, Mr. MEEKS, Mr. JEFFRIES, Ms. CLARKE of New York, Mr. LANCE, Mr. PASCRELL, Mr. KING of New York, Mr. SMITH of New Jersey, Mr. SERRANO, Mr. SEAN PATRICK MALONEY of New York, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. PALLONE, Mr. KHANNA, Mr. SOTO, Mr. EVANS, Ms. NORTON, Ms. JACKSON LEE, Ms. WILSON of Florida, Mrs. RADEWAGEN, Mr. JONES, Mr. SIREs, Mr. PEARCE, Mr. LOEBSACK, Mr. QUIGLEY, Mr. CROWLEY, Mr. CARSON of Indiana, Mr. ENGEL, and Mr. MCEACHIN):

H.R. 4321. A bill to amend title 38, United States Code, to establish a presumption of service-connection of disabilities relating to blast exposures with respect to disability compensation payments by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CARBAJAL (for himself and Mr. SMUCKER):

H.R. 4322. A bill to exclude from consideration as income under the housing assistance programs of the Department of Housing and Urban Development amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family, and for other purposes; to the Committee on Financial Services.

By Mr. DUNN (for himself, Mr. TAKANO, Mr. SMITH of Texas, Mr. LOUDERMILK, Mr. BABIN, Mr. KNIGHT, Mr. MARSHALL, and Mr. BANKS of Indiana):

H.R. 4323. A bill to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. WILLIAMS:

H.R. 4324. A bill to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes; to the Committee on Financial Services.

By Mr. HIGGINS of New York (for himself and Mrs. DINGELL):

H.R. 4325. A bill to limit the fees charged by the National Archives and Records Administration to veterans for military service records, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LAHOOD (for himself, Mr. RODNEY DAVIS of Illinois, Mr. RUSH, Ms. KELLY of Illinois, Mr. LIPINSKI, Mr. GUTIÉRREZ, Mr. QUIGLEY, Mr. ROSKAM, Mr. DANNY K. DAVIS of Illinois, Mr. KRISHNAMOORTHY, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Mr. FOSTER, Mr. BOST, Mr. HULTGREN, Mr. SHIMKUS, Mr. KINZINGER, and Mrs. BUSTOS):

H.R. 4326. A bill to designate the facility of the United States Postal Service located at 1211 Towanda Avenue in Bloomington, Illinois, as the "Sgt. Josh Rodgers Post Office"; to the Committee on Oversight and Government Reform.

By Mr. FRANCIS ROONEY of Florida (for himself, Mr. WILSON of South Carolina, Mr. BYRNE, Mr. ROKITA, Mr. GARRETT, Mr. DUNN, Mr. NORMAN, Mr. PERRY, Mr. ROGERS of Alabama, Mr. BUDD, Mr. YOHO, Mr. FERGUSON, and Mr. MEADOWS):

H.R. 4327. A bill to amend the National Labor Relations Act to provide that a question of representation affecting commerce shall exist when a petitioner establishes that fewer than 50 percent of the current bargaining unit members had the opportunity to vote in a certification election covering their bargaining unit or no certification election was conducted, and for other purposes; to the Committee on Education and the Workforce.

By Ms. GABBARD (for herself, Mr. CLEAVER, Ms. HANABUSA, Ms. JAYAPAL, and Mr. POE of Texas):

H.R. 4328. A bill to authorize the Secretary of Veterans Affairs to make grants for the rehabilitation of World War I memorials; to the Committee on Veterans' Affairs.

By Mr. WALDEN:

H.R. 4329. A bill to amend the Klamath Basin Water Supply Enhancement Act of 2000 to improve infrastructure, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for himself, Ms. MOORE, Mr. CLAY, and Mr. THOMPSON of Mississippi):

H.R. 4330. A bill to provide that any State or local law enforcement agency that has in effect a cooling-off period is ineligible to receive Federal funds pursuant to a Department of Justice law enforcement grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. CLAY, Ms. NORTON, Mr. CUMMINGS, Mrs. WATSON COLEMAN, Mr. ELLISON, Mr. HASTINGS, Mr. GRIJALVA, and Mr. CONYERS):

H.R. 4331. A bill to amend title 18, United States Code, to provide a penalty for assault or homicide committed by certain State or local law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. COHEN, Ms. NORTON, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CONNOLLY, Mrs. WATSON COLEMAN, Mr. HASTINGS, Mr. DAVID SCOTT of Georgia, Mr. CLAY, Mr. ELLISON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CICILLINE, Mr. CONYERS, and Ms. MOORE):

H.R. 4332. A bill to provide that in the case of a law enforcement officer who uses deadly force against a person, and thereby causes the death of that person, a hearing shall be conducted before a judge to determine whether there is probable cause for the State to bring criminal charges against the law enforcement officer relating to the death of the person, and for other purposes; to the Committee on the Judiciary.

By Mr. FASO (for himself, Mr. PETERSON, Mrs. COMSTOCK, Ms. SHEA-PORTER, Ms. PINGREE, Mr. MOULTON, Ms. NORTON, Mr. BARLETTA, Mr. LANCE, Ms. STEFANIK, Mr. SEAN PATRICK MALONEY of New York, Mr. COHEN, Mr. KEATING, Mr. POCAN, Ms. LOFGREN, Mr. ESPAILLAT, Mr. KATKO, Mr. SMITH of New Jersey, Mr. KING of New York, Mr. COURTNEY, Mr. COLLINS of New York, Mr. ZELDIN, and Mr. DONOVAN):

H.R. 4333. A bill to provide for the issuance of a Lyme Disease Research Semipostal Stamp; to the Committee on Oversight and Government Reform, 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. CORREA (for himself, Ms. BROWNLEY of California, Mr. RYAN of Ohio, Ms. MOORE, Mrs. TORRES, Mrs. DAVIS of California, Ms. BLUNT ROCH-ESTER, Mr. AGUILAR, Mr. MCEACHIN, Mr. GENE GREEN of Texas, Ms. LOFGREN, Mrs. CAROLYN B. MALONEY of New York, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. LOEBSACK, Ms. SCHAKOWSKY, Mr. GALLEGO, Ms. HANABUSA, Mr. PETERSON, Mr. O'HALLERAN, Mr. GOMEZ, Mr. VARGAS, Mr. WALZ, Ms. TITUS, Mr. RUIZ, Mr. ESPAILLAT, Mr. CARBAJAL, Mr. CARSON of Indiana, Ms. MCCOLLUM, and Mr. EVANS):

H.R. 4334. A bill to provide for certain reporting requirements relating to medical care for women veterans provided by the Department of Veterans Affairs and through contracts entered into by the Secretary of Veterans Affairs with non-Department medical providers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORREA:

H.R. 4335. A bill to amend title 38, United States Code, to provide for headstones and markers for, and interment in national cemeteries of, deceased spouses and dependent children of members of the Armed Forces serving on active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEWIS of Minnesota (for himself, Mr. FERGUSON, Mr. GARRETT, and Mr. SMUCKER):

H.R. 4336. A bill to amend the institutional refunds provision of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. ROYCE of California (for himself and Mrs. CAROLYN B. MALONEY of New York):

H.R. 4337. A bill to amend the Defense Production Act of 1950 to require national security reviews carried out by the Committee on Foreign Investment in the United States to take into account the potential effects of

covered transactions on personally identifiable information; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TENNEY:

H.R. 4338. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish urns for the remains of certain veterans whose remains are placed in non-traditional resting sites; to the Committee on Veterans' Affairs.

By Mr. BOST (for himself, Mr. LAWSON of Florida, Mr. KINZINGER, Mr. RODNEY DAVIS of Illinois, Mr. SHIMKUS, Mr. MOOLENAAR, and Mr. CARBAJAL):

H.R. 4339. A bill to establish a Department of Agriculture loan program to support mentorship and apprenticeship opportunities for veterans of the Armed Forces to become farmers or ranchers; to the Committee on Agriculture, and 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.

By Mr. BRAT (for himself and Mr. SMITH of Texas):

H.R. 4340. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program, to focus family-sponsored immigration on spouses and minor children, and make mandatory and permanent requirements relating to use of an electronic employment eligibility verification system; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTWRIGHT (for himself, Mr. DEFAZIO, Mr. GENE GREEN of Texas, Ms. KAPTUR, and Mr. SCHIFF):

H.R. 4341. A bill to amend the Federal Election Campaign Act of 1971 to require corporations to disclose to their shareholders the amounts disbursed for certain political activity, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, 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. CICILLINE (for himself, Mr. SWALWELL of California, Mr. NADLER, Mr. KHANNA, Mr. MCGOVERN, Ms. LOFGREN, Ms. NORTON, and Mr. BLUMENAUER):

H.R. 4342. A bill to amend chapter 44 of title 18, United States Code, to restrict the ability of a person whose Federal license to import, manufacture, or deal in firearms has been revoked, whose application to renew such a license has been denied, or who has received a license revocation or renewal denial notice, to transfer business inventory firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. CICILLINE (for himself, Ms. NORTON, Mr. NADLER, Mr. KHANNA, Mr. BLUMENAUER, and Mr. MCGOVERN):

H.R. 4343. A bill to amend the NICS Improvement Amendments Act of 2007 to provide notification to relevant law enforcement agencies in the event that a background check conducted by the National Instant Criminal Background Check System determines that a person may not receive a firearm, and for other purposes; to the Committee on the Judiciary.

By Mr. CICILLINE (for himself, Mr. KHANNA, Mr. MCGOVERN, and Mr. BLUMENAUER):

H.R. 4344. A bill to incentivize State reporting systems that allow mental health professionals to submit information on certain individuals deemed dangerous for purposes of prohibiting firearm possession by such individuals, and for other purposes; to the Committee on the Judiciary, 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. CRIST (for himself and Mr. DENHAM):

H.R. 4345. A bill to direct the Attorney General to establish and carry out a Veteran Treatment Court Program; to the Committee on the Judiciary.

By Mr. FOSTER (for himself, Mrs. MCMORRIS RODGERS, and Mr. TAKANO):

H.R. 4346. A bill to amend title 38, United States Code, to provide for clarification regarding the children to whom entitlement to educational assistance may be transferred under the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. GAETZ (for himself, Mr. PANNETTA, Ms. JACKSON LEE, Mr. LOEBACK, Mr. JONES, Mr. SOTO, Mr. COOK, Mr. ROSS, Ms. MCSALLY, and Mr. BILIRAKIS):

H.R. 4347. A bill to amend title 10, United States Code, to include veterans in the military adaptive sports program of the Department of Defense; to the Committee on Armed Services.

By Mr. KRISHNAMOORTHY (for himself, Ms. JACKSON LEE, and Ms. SHEAPORTER):

H.R. 4348. A bill to direct the Director of National Intelligence to produce a National Intelligence Estimate on Russian political intentions, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 4349. A bill to require reporting by the Secretary of Education on missed opportunities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4350. A bill to amend the Workforce Innovation and Opportunity Act to require the Secretary of Labor to submit to Congress an annual report relating to the amount of funds requested and awarded through YouthBuild programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4351. A bill to require reporting by the Department of Education on requests for funding projects or programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4352. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to require reporting by the Secretary of Education on requests for funding research that were not granted and had the greatest potential for improving career and technical education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4353. A bill to amend the Public Health Service Act to require reporting by the National Institutes of Health on requests

for funding research that were not granted and had the greatest potential for improving public health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 4354. A bill to require reporting by the National Science Foundation on requests for funding research that were not granted and had the greatest potential for promoting scientific progress and advancing national health, prosperity, and welfare, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. LEWIS of Georgia:

H.R. 4355. A bill to amend title 49, United States Code, to require reporting by the Department of Transportation on requests for funding projects or programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia:

H.R. 4356. A bill to amend title 49, United States Code, to require reporting by the Department of Transportation on requests for funding projects or programs through the Airport Improvement Program; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia:

H.R. 4357. A bill to amend title 38, United States Code, to require certain additional budgetary information to be included in the annual report submitted to Congress on the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. LEWIS of Georgia:

H.R. 4358. A bill to require the Commissioner of Internal Revenue to report on applications for tax credits under the low-income housing tax credit program that, in the preceding fiscal year, were approved but not allocated; to the Committee on Ways and Means.

By Mr. BEN RAY LUJÁN of New Mexico (for himself and Mr. RUIZ):

H.R. 4359. A bill to provide for rental assistance for homeless or at-risk Indian veterans; to the Committee on Financial Services.

By Mr. BEN RAY LUJÁN of New Mexico (for himself, Mr. GOMEZ, Mr. BROWN of Maryland, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. NORTON, Mr. KHANNA, Mr. KRISHNAMOORTHY, Ms. JAYAPAL, Mr. TED LIEU of California, Mrs. NAPOLITANO, Ms. PINGREE, Mr. PETERS, Mr. RASKIN, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SEWELL of Alabama, Mr. DESAULNIER, Ms. VELÁZQUEZ, and Mr. SMITH of Washington):

H.R. 4360. A bill to amend title 38, United States Code, to include local government minimum wage requirements in determining the hourly minimum wage applicable for purposes of the work-study allowance under the educational assistance programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MESSER:

H.R. 4361. A bill to require the use of macroeconomic analysis in estimating the budgetary effects of major revenue legislation; to the Committee on the Budget, 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 Mr. O'HALLERAN (for himself, Mr. GALLEGOS, and Ms. SINEMA):

H.R. 4362. A bill to amend title 38, United States Code, to provide for priority in the award of State home facility grants to nursing homes and domiciliaries from States that the Secretary determines have a great



or significant need for beds and which are located at least 100 miles away from the nearest existing State home facility; to the Committee on Veterans' Affairs.

By Mr. POLIS (for himself, Mr. RUIZ, Mr. GARAMENDI, Mr. NOLAN, Mr. HUFFMAN, Mr. MCGOVERN, Mr. POCAN, Mr. CARTWRIGHT, Mr. KIHUEN, and Ms. SHEA-PORTER):

H.R. 4363. A bill to require the Secretary of Veterans Affairs to establish a veterans conservation corps, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 4364. A bill to authorize the Administrator of the Environmental Protection Agency, at the request of a Governor of a State, to waive the reformulated gasoline prohibitions and requirements under section 211(k) of the Clean Air Act with respect to the State or a portion of the State if the Administrator determines that the price of gasoline is excessively high; to the Committee on Energy and Commerce.

By Mr. TAYLOR (for himself and Ms. GABBARD):

H.R. 4365. 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, 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. TORRES:

H.R. 4366. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make payments to individuals entitled to educational assistance under the Post-9/11 Educational Assistance program who pursue a program of education solely through distance learning to be used to purchase computers; to the Committee on Veterans' Affairs.

By Ms. VELÁZQUEZ:

H.R. 4367. A bill to amend the Small Business Act to provide guaranteed disaster loans to certain small business concerns, and for other purposes; to the Committee on Small Business.

By Ms. VELÁZQUEZ:

H.R. 4368. A bill to amend the Small Business Act to require that community development block grant funds provided for the same purpose as assistance under certain disaster relief programs of the Small Business Act be used to repay such assistance, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Financial 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. MAXINE WATERS of California (for herself, Mr. EVANS, Mrs. BEATTY, Mr. SEAN PATRICK MALONEY of New York, and Mr. PAYNE):

H.R. 4369. A bill to amend title 38, United States Code, to codify the authority of the Secretary of Veterans Affairs to assign a disability rating of total to a veteran by reason of unemployability, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOHO (for himself, Mr. GOSAR, Mr. FRANCIS ROONEY of Florida, Mr. PERRY, and Mr. PEARCE):

H.R. 4370. A bill to amend the Natural Gas Act to expedite approval of exports of small volumes of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H. Res. 612. A resolution recognizing and reaffirming the critical relationship between the United States and the Republic of Korea since the establishment of the Republic of Korea in 1948; to the Committee on Foreign Affairs, 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 Mr. CARTER of Texas (for himself, Mr. BISHOP of Georgia, Mr. LOEBSACK, Mr. WILLIAMS, Mr. COLE, Mr. HECK, Mr. ZELDIN, Mrs. LOVE, Ms. KAPTUR, Mr. MARSHALL, Mr. BRADY of Texas, Mr. SCHRADER, Mr. THOMPSON of Pennsylvania, Mr. GARRETT, Mr. ROGERS of Kentucky, Mr. O'ROURKE, Mr. COSTA, and Mr. PALAZZO):

H. Res. 613. A resolution supporting the goal of ensuring that members of the Armed Forces have opportunities to receive career technical education training and credentialing opportunities during their term of service to ensure they can transition directly into in-demand civilian careers; to the Committee on Armed Services, and 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.

By Ms. KAPTUR (for herself, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mrs. WALORSKI, Mr. FRANKS of Arizona, Mr. HIGGINS of New York, Mr. ROKITA, Ms. ESTY of Connecticut, Mrs. DINGELL, Mr. MCGOVERN, Mr. TONKO, Mr. SIRES, Mr. ADERHOLT, Mr. COHEN, Mr. QUIGLEY, Mr. PRICE of North Carolina, Mr. CARTWRIGHT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of Georgia):

H. Res. 614. A resolution celebrating the 99th anniversary of Polish independence; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 3 of rule XII,

145. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 103, congratulating the government and people of the Republic of China (Taiwan) on their 106th National Day on October 10, 2017; which was referred to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PERLMUTTER introduced a bill (H.R. 4371) for the relief of Melecio Andazola-Morales; which was referred to the Committee on the Judiciary.

## 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. BRADY of Texas:

H.R. 4318.

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

U.S. CONST. art. I, §8, cl. 1 and 3

“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 . . .” and

“To regulate commerce with foreign nations, and among the several states, and with the Indian tribes. . . .”

By Mr. FITZPATRICK:

H.R. 4319.

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

Article 1, Section 8, Clause 18

By Ms. VELÁZQUEZ:

H.R. 4320.

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

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Ms. VELÁZQUEZ:

H.R. 4321.

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

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Mr. CARBAJAL:

H.R. 4322.

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

Article I, Section 8, clause 1 provides Congress with the power to “lay and collect Taxes, Duties, Imposts and Excises” in order to “provide for the common Defence . . . of the United States.”

By Mr. DUNN:

H.R. 4323.

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 of Officer thereof.

By Mr. WILLIAMS:

H.R. 4324.

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 States, and with the Indian Tribes”)

By Mr. HIGGINS of New York:

H.R. 4325.

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

Article 1, Section 8, Clause 18

By Mr. LAHOOD:

H.R. 4326.

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

The Congress shall have Power To establish Post Offices and post Roads

By Mr. FRANCIS ROONEY of Florida:

H.R. 4327.

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

Article 1 Section 8

By Ms. GABBARD:

H.R. 4328.

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

U.S. Constitution including Article 1, Section 8, Clause 1 (General Welfare Clause) and Article 1, Section 8, Clause 18 (Necessary and Proper Clause), Article 4, Section 3, Clause 2 (Property).

By Mr. WALDEN:

H.R. 4329.

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

Article I, Section 8, Clause 14 of the United States Constitution (relating to the power of Congress to make rules for the government and regulation of the land and naval forces), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. JOHNSON of Georgia:

H.R. 4330.

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

Article I, Section 8, Cl. 18

By Mr. JOHNSON of Georgia:

H.R. 4331.

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

Article I, Section 8, Cl. 18

By Mr. JOHNSON of Georgia:

H.R. 4332.

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

Article I, Section 8, Cl. 18

By Mr. FASO:

H.R. 4333.

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

Article I, Section 8 of the United States Constitution

By Mr. CORREA:

H.R. 4334.

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

(1) The U.S. Constitution including Article 1, Section 8.

By Mr. CORREA:

H.R. 4335.

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

(1) The U.S. Constitution including Article 1, Section 8.

By Mr. LEWIS of Minnesota:

H.R. 4336.

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

Article I, Section 8, Clause 1 and Clause 18 of the United States Constitution.

By Mr. ROYCE of California:

H.R. 4337.

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

Article I, Section 8.

By Ms. TENNEY:

H.R. 4338.

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. BOST:

H.R. 4339.

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

Article 1, Section 8 of the United States Constitution

By Mr. BRAT:

H.R. 4340.

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

American immigration law stems from Congress' power to "establish a uniform Rule of Naturalization" (Article 1, Section 8, Clause 4).

By Mr. CARTWRIGHT:

H.R. 4341.

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

Article I, Section 8, Clause 3

By Mr. CICILLINE:

H.R. 4342.

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

Article I, Section 8 of the United States Constitution

By Mr. CICILLINE:

H.R. 4343.

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

Article I, Section 8 of the United States Constitution

By Mr. CICILLINE:

H.R. 4344.

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

Article I, Section 8 of the United States Constitution

By Mr. CRIST:

H.R. 4345.

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

Article 1, Section 8 of the Constitution.

By Mr. FOSTER:

H.R. 4346.

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

Clauses 12, 13, 14, and 18 of Section 8 of Article 1 of the U.S. Constitution.

By Mr. GAETZ:

H.R. 4347.

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

Article 1, Section 8

By Mr. KRISHNAMOORTHY:

H.R. 4348.

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

Article I, Section 8: 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. LEWIS of Georgia:

H.R. 4349.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4350.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4351.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4352.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4353.

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 of the

United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4354.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4355.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4356.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4357.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia:

H.R. 4358.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 4359.

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

Article I, Section VIII

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 4360.

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

Article I, Section VIII

By Mr. MESSER:

H.R. 4361.

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

Article I, section 9, clause 7 of the United States Constitution.

By Mr. O'HALLERAN:

H.R. 4362.

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

Article I, Section 8, Clause 18

By Mr. POLIS:

H.R. 4363.

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

Under Article I, Section 8, Clause 12 & Clause 18 of the Constitution, Congress, has the power "to make all laws which shall be necessary and proper" for carrying out power including the power "to raise and support armies"

By Mr. SENSENBRENNER:

H.R. 4364.

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

Article I, Section 8, Clause 3

By Mr. TAYLOR:

H.R. 4365.

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

Article I, Section 8

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;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. TORRES:

H.R. 4366.

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

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

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 Con-

stitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. VELÁZQUEZ:

H.R. 4367.

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

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Ms. VELÁZQUEZ:

H.R. 4368.

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

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Ms. MAXINE WATERS of California:

H.R. 4369.

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

Article 1 of the U.S. Constitution

By Mr. YOHO:

H.R. 4370.

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

Article 1, Section 8

By Mr. PERLMUTTER:

H.R. 4371.

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

Article 1 Section 8

#### ADDITIONAL SPONSORS

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

H.R. 44: Mr. COOK, Ms. SCHAKOWSKY, Mr. GRAVES of Georgia, and Mr. CARTER of Texas.

H.R. 173: Mr. MAST and Mr. SWALWELL of California.

H.R. 176: Mr. FRANKS of Arizona.

H.R. 299: Mr. FRELINGHUYSEN.

H.R. 411: Mr. OLSON and Mr. HIGGINS of Louisiana.

H.R. 488: Mr. KING of New York.

H.R. 559: Mr. GRAVES of Georgia and Mr. FERGUSON.

H.R. 592: Mr. BARTON and Mr. LAMALFA.

H.R. 669: Mr. PALLONE.

H.R. 785: Mr. MOOLENAAR.

H.R. 850: Mr. COMER.

H.R. 908: Mr. BILIRAKIS.

H.R. 912: Ms. MOORE.

H.R. 964: Mr. BARLETTA and Mr. CAPUANO.

H.R. 1034: Mr. BLUMENAUER, Mr. KHANNA, and Ms. JACKSON LEE.

H.R. 1046: Mr. PRICE of North Carolina and Mrs. BROOKS of Indiana.

H.R. 1155: Ms. DEGETTE.

H.R. 1164: Ms. GRANGER.

H.R. 1176: Ms. BORDALLO.

H.R. 1264: Mr. SESSIONS.

H.R. 1384: Ms. BONAMICI.

H.R. 1456: Ms. PINGREE.

H.R. 1580: Mr. BISHOP of Michigan.

H.R. 1626: Mr. MAST.

H.R. 1730: Mr. MCGOVERN.

H.R. 1734: Mr. QUIGLEY.

H.R. 1818: Mr. SCHWEIKERT, Mr. BROWN of Maryland, and Mr. SIRE.

H.R. 1825: Mr. WELCH and Mr. FRELINGHUYSEN.

H.R. 1828: Mr. KILMER.

H.R. 1907: Mr. YARMUTH.

H.R. 1957: Mr. LARSEN of Washington and Mr. DESAULNIER.

H.R. 2147: Mr. LARSON of Connecticut.

H.R. 2234: Mr. LIPINSKI and Mr. PETERS.

H.R. 2392: Mr. RASKIN.

H.R. 2405: Mr. JODY B. HICE of Georgia.

H.R. 2583: Ms. JAYAPAL and Mr. PETERS.

H.R. 2589: Mr. JOHNSON of Ohio.

H.R. 2669: Mr. SMITH of Washington.

H.R. 2670: Mr. MCEACHIN.

H.R. 2690: Mr. GOMEZ.

H.R. 2712: Mr. MEADOWS.

H.R. 2719: Ms. MCCOLLUM, Ms. LOFGREN, Ms. ROS-LEHTINEN, and Mr. KILMER.

H.R. 2723: Mr. YODER, Mr. LUETKEMEYER, and Mr. MULLIN.

H.R. 2832: Mr. COMER.

H.R. 2841: Mr. NADLER, Mr. SERRANO, Mr. KHANNA, Mr. BLUMENAUER, and Mr. MCGOVERN.

H.R. 2865: Mr. GARAMENDI.

H.R. 2902: Miss RICE of New York, Ms. SCHAKOWSKY, Mr. O'ROURKE, Ms. FRANKEL of Florida, and Mr. PETERS.

H.R. 2996: Mr. POE of Texas and Mr. COMER.

H.R. 3108: Mr. GRIJALVA.

H.R. 3124: Mr. BLUMENAUER.

H.R. 3211: Mr. ELLISON and Mr. O'HALLERAN.

H.R. 3274: Mr. MCNERNEY.

H.R. 3324: Mr. CLYBURN.

H.R. 3345: Mr. SEAN PATRICK MALONEY of New York and Ms. ROSEN.

H.R. 3394: Mr. KELLY of Mississippi.

H.R. 3444: Mr. CARBAJAL and Mr. HUFFMAN.

H.R. 3447: Mr. COHEN.

H.R. 3477: Mr. PETERS.

H.R. 3545: Mr. PETERSON.

H.R. 3596: Mr. THOMPSON of Mississippi.

H.R. 3635: Mr. BILIRAKIS.

H.R. 3637: Mr. BISHOP of Georgia and Ms. LOFGREN.

H.R. 3642: Mr. UPTON.

H.R. 3738: Mr. LOWENTHAL.

H.R. 3760: Mr. DEFazio.

H.R. 3773: Mr. BEYER.

H.R. 3784: Mr. ENGEL, Mr. GONZALEZ of Texas, and Mr. KILMER.

H.R. 3790: Mr. HUDSON and Mr. JOHNSON of Louisiana.

H.R. 3792: Mr. LIPINSKI.

H.R. 3857: Ms. MCSALLY and Mr. ROTHFUS.

H.R. 3867: Mr. BLUMENAUER.

H.R. 3871: Ms. SHEA-PORTER, Mr. PANETTA, Mr. LAWSON of Florida, Mr. MCGOVERN, Mr. CÁRDENAS, and Mr. POCAN.

H.R. 3887: Ms. NORTON.

H.R. 3969: Mr. GONZALEZ of Texas.

H.R. 3994: Mrs. BROOKS of Indiana and Mr. MCKINLEY.

H.R. 4006: Mr. KILMER.

H.R. 4007: Mr. SHIMKUS.

H.R. 4014: Ms. BROWNLEY of California.

H.R. 4015: Mr. MEEKS.

H.R. 4081: Ms. ROSEN and Ms. GABBARD.

H.R. 4131: Mr. VALADAO.

H.R. 4137: Mr. GRIFFITH.

H.R. 4143: Ms. HERRERA BEUTLER and Mr. KIND.

H.R. 4159: Mr. GONZALEZ of Texas, Ms. NORTON, Mr. SHERMAN, Ms. BARRAGÁN, Mr. EVANS, Mr. MEEKS, and Mr. COHEN.

H.R. 4160: Mr. GONZALEZ of Texas, Ms. NORTON, Ms. BARRAGÁN, Mr. COHEN, and Mr. CARSON of Indiana.

H.R. 4183: Mr. QUIGLEY, Mr. KEATING and Mr. COHEN.

H.R. 4186: Mr. GUTIÉRREZ, Mr. HASTINGS, Ms. MOORE, and Mr. ENGEL.

H.R. 4202: Mr. GAETZ.

H.R. 4209: Mr. SMITH of Washington.

H.R. 4229: Mr. POLIQUIN, Mr. PETERSON, Mr. WESTERMAN, Mr. WILSON of South Carolina, Mr. KILMER, Mr. CRAWFORD, and Mr. COOPER.

H.R. 4239: Mr. FLORES and Mr. DUNCAN of South Carolina.

H.R. 4240: Ms. CLARKE of New York, Mr. GARAMENDI, Mrs. CAROLYN B. MALONEY of New York, Mrs. DAVIS of California, Mr. WELCH, Ms. LOFGREN, Mr. VARGAS, Ms. SLAUGHTER, Ms. SPEIER, Mr. DESAULNIER, Mr. KHANNA, Mr. NADLER, Mr. SWALWELL of California, Ms. PELOSI, Mr. KILDEE, Mr. DEUTCH, Mr. KENNEDY, and Mr. SCOTT of Virginia.

H.R. 4253: Ms. LOFGREN.  
H.R. 4277: Ms. VELÁZQUEZ.  
H.R. 4290: Mr. RICHMOND and Ms. MOORE.  
H. J. Res. 53: Mr. O'HALLERAN.  
H. Con. Res. 66: Ms. NORTON, Ms. SHEA-POR-  
TER, and Mr. SERRANO.  
H. Res. 129: Mr. MCCAUL.  
H. Res. 307: Mr. ESTES of Kansas.  
H. Res. 393: Mr. CASTRO of Texas, Ms.  
VELÁZQUEZ, and Ms. KELLY of Illinois.

H. Res. 604: Mr. UPTON, Mrs. DINGELL, Mr.  
YOUNG of Iowa, and Mrs. NAPOLITANO.

PETITIONS, ETC.

Under clause 3 of rule XII,

66. The SPEAKER presented a petition of  
the Common Council of Syracuse New York,  
relative to Common Council Resolution No.

34-R 2017, urging Senator CHARLES SCHUMER,  
Senator KIRSTEN GILLIBRAND, and Congress-  
man JOHN KATKO to take the necessary ac-  
tions to ensure that the SALT Deduction re-  
mains a part of the Federal Tax Code; which  
was referred to the Committee on Ways and  
Means.

**NOTICE**

*For conference report and statement, see proceedings of the House of November 9, 2017, published in Book II.*



United States  
of America

# Congressional Record

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

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No. 183

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for the gift of our veterans, those on Capitol Hill and beyond. May our veterans make us mindful of the price of our freedom.

Lord, infuse us with a spirit of gratitude for those who have offered their lives on the field of battle that we might live in peace. Let not one of our veterans feel forgotten, neglected, or unappreciated. May they know by experience the deep and enduring gratitude of a grateful nation.

Lord, You know the burdens that many of our veterans must bear. Some feel isolated and alone; others feel misunderstood. Bring physical, emotional, and spiritual healing to their lives, providing them with the wisdom to trust You with their future.

Lord, we ask Your particular blessings upon the Senators who in military service have sacrificially given their time, comfort, strength, ambition, and health. Reward them one hundredfold for their sacrifice and service, blessing them more than they can ask or imagine.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 9, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEAN HELLER, a Senator from the State of Nevada, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the Wehrum nomination, which the clerk will report.

The legislative clerk read the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, this has been another important week here

in the Senate. We are moving forward on multiple aspects of the President's agenda.

Later today, the Senate Finance Committee will release its plan for tax reform. I will have more to say on this in a moment, but I would once again like to commend Chairman HATCH for his leadership to get us to this point.

The Senate is also focusing on confirming the President's nominees so they can finally get to work. We have built strong momentum from last week, when we confirmed four circuit court nominees. This week we have confirmed nominees for the Department of Defense, the Department of Justice, and the National Labor Relations Board.

Soon we will also confirm the head of a critical office at the EPA. William Wehrum will put his experience to good use as Assistant Administrator for the EPA's Office of Air and Radiation. This office is one of the EPA's most important but, unfortunately, under the Obama administration, was also among the offices with the most significant overreach. Obviously it was in desperate need of new leadership from someone who understands how to implement clean air policies in a balanced way. That is William Wehrum. I look forward to advancing his nomination shortly.

Confirming President Trump's talented nominees to the Federal Government will continue to be a priority of this Senate, and I look forward to working with my colleagues to get this done.

#### TAX REFORM

Now on another matter, Mr. President, today Chairman HATCH will lay out his legislative proposal for tax reform. It is the product of a lot of hard work, dozens of hearings, and member input, and I look forward to its release later today.

The release of this plan is another critical step toward providing relief to the middle class. Once it is unveiled,

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



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the proposal will go through regular order in the committee. Senators on both sides will have the opportunity to offer amendments and work together to help hard-working families all across our country.

This is our once-in-a-generation opportunity to lower taxes and shift the economy into high gear. In fact, tax reform represents the single most important thing we can do to spur growth and to help American families. With this tax reform plan, the American people will know that relief is on the way. For you and your family, we want to make taxes lower, simpler, and fairer. For small businesses, we want to make it easier to navigate the Tax Code, grow, and hire workers. And for all businesses, we want to make it an easy decision for them to bring investment and jobs home and to keep them here.

As the Finance Committee continues to work on tax reform, both Republicans and Democrats will have the chance to offer their own ideas to make the bill better. I certainly hope they take it. The process isn't behind closed doors; it is out in the open for everyone to see and for everyone to take part.

The House Ways and Means Committee is expected to finish their work on their legislative proposal soon. Under Chairman BRADY's leadership, they have put a lot of good work into this.

I look forward to continuing to work with colleagues in both the House and the Senate, along with President Trump and his team, on our mutual tax reform goals. Our main goal is this—this is what it is all about—we want to take more money out of Washington's pockets and put more money in the pockets of the middle class.

In addition to the great work being done by Chairman HATCH in the Finance Committee, the Senate Energy and Natural Resources Committee, under the leadership of Chairman MURKOWSKI, is taking important steps as well. The recent budget resolution gave the committee instructions to generate \$1 billion of new revenue for the Federal Government. The committee has now unveiled legislation to do just that by further developing the oil and gas potential in Alaska in an environmentally responsible way. Their good efforts can produce important benefits to both the people of Alaska and to our entire country. I commend Chairman MURKOWSKI for her efforts to support our Nation's energy security. This plan is a limited, responsible effort that can result in new jobs, a strong source of energy, and a boost to our economy, all while being responsible stewards of Alaska's environment. I look forward to the committee reporting this legislation next week as well.

The Senate has many important items before it. Let's work together to get them done, fulfilling our commitments to the American people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

#### REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, later today the Senate Republicans will release their version of the tax bill. The bill will not include a single idea of Democrats in the Senate. Not a single Democrat has had any input into this bill. It was constructed entirely behind closed doors by the majority party, who have no intention of negotiating with Democrats because they locked themselves into a partisan process that only requires a majority vote.

They are trying to rush it through this Chamber with reckless speed. Why? Because my friends on the other side know that the longer their bill is out there for the public to see, the less the public likes it. Their only hopes of passing it are to rush it through before anyone can grapple with the stunning hypocrisy at the center of their plan.

The Republican majority has repeatedly promised a middle-class tax bill, but instead, they have concocted a bill grounded in tax cuts for big corporations and the very rich. They actually hurt middle-class people because they need to give those big breaks for the wealthiest.

While promising that their plan gives "everyone a tax cut"—that is what Speaker RYAN said again today—multiple independent analyses conclude that the House Republican tax plan would increase taxes on millions of middle-class families, contrary to what Republicans promised and what Donald Trump has promised. They said: No middle-class people will get an increase. This is aimed at helping the middle class.

But the vast majority of the help goes to the wealthiest and biggest corporations. A New York Times analysis found that next year the House Republican plan would cause taxes to go up on one-third of all middle-class families. By 2026 taxes will go up on nearly half of all middle-class families.

So even if you come from a State with a lower tax rate—a red State—it is probably a good bet that a quarter of the middle-class families will get a tax increase. I think the lowest I saw was 17 percent for West Virginia.

So this hurts middle-class people, and it hurts certain middle-class people much more than others—people who have student loans, people who have high medical expenses, people who come from States where there are large property taxes, people who have big mortgages. These are middle-class people. They should not get a tax increase.

Mark Mazer, director of the independent Tax Policy Center, said:

You could create a plan that just cuts taxes for middle-class people. That's not what this is.

That is him, not me. It is what Republicans promised people.

Now, we will see what the Senate comes up with today. But several Republican Senators have already confirmed that the Senate bill has the same structure as the House bill, and, in at least one way, we know it is worse for middle-class families than the House bill because the House bill will reduce the value of State and local deductions by 70 percent, while the Senate bill eliminates it entirely. My friend from Ohio, Senator PORTMAN, confirmed that a few days ago on FOX Business.

This should be a three-alarm fire for every House Republican in California, New York, New Jersey, Virginia, Washington, Illinois, Colorado, and Minnesota. Senate Republicans are telling House Republicans there will be no compromise on State and local deductibility. It is full repeal or bust because Senate Republicans need the revenue raised by ending this popular middle-class deduction.

There are several deficit hawks in the Senate. We have stricter budget rules for reconciliation. If the Senate tax plan includes cuts to the corporate rate, the pass-through rate, and on upper tax brackets—which dramatically increase the deficit—they will need the revenue from the full repeal of State and local to make the numbers work.

So I say to every one of my Republican colleagues in the House who comes from a suburban district: This bill could be your political doom. Don't let the special interests, don't let the party leadership push you into doing something that is bad for so many of your constituents. You will pay a price.

House Republicans should kill the bill now if they want to have any hope of stopping the full repeal of the State and local deduction. They can't hide behind the so-called compromise in the House bill. It is nothing more than a temporary fig leaf for full and permanent repeal.

As I said, if House Republicans don't kill it now, it will come back to haunt them. The overwhelming Democratic turnout in suburban districts in Virginia, New Jersey, and Pennsylvania should send shivers down the spine of House Republicans who represent those districts. Voting to repeal the State and local deduction—walloping the middle-class and upper middle-class suburbs—would be political suicide, all this to bow down to the special big interests of large corporations.

Even with the compromise, the House numbers are devastating. Representative MACARTHUR said he was shown information that shows the compromise is good for his district, and he went from a no to a "leans" yes, according to POLITICO.

Representative MACARTHUR, go look at the real numbers.



Forty-three percent of taxpayers in Representative MACARTHUR's district take the State and local deduction, for an average of \$11,987 per deduction. Over half of the value of these deductions is not the property tax at all. It is State and local income taxes, which will be taken away under the plan.

Then, according to IRS data, there are a good number for whom the property taxes are over \$10,000, meaning the compromise still wouldn't help them. So I would not, if I were Representative MACARTHUR, listen to the numbers the Republican leadership is giving him. I would do my own independent analysis because I believe he would find them to be a lot worse than what the leadership is telling him.

I say to my other Republican colleagues: Don't fall for those quick numbers. Go do your own looking at this. It is a lot worse than your leadership is telling you.

One final point here on taxes, for some reason the conventional wisdom on the Republican side is that because of the stunning depth of their losses in the recent elections, there is even a greater need to pass the tax plan. We have to do this or we will fall apart, they said. It makes no sense. They are misreading the public.

Ed Gillespie, for all of his divisive ads, also ran a traditional establishment campaign. The linchpin of his campaign was the \$1,000 tax cut for everybody. It got him nowhere. Exit polls from the Virginia election showed that the No. 1 issue on voters' minds was healthcare, and they voted overwhelmingly Democratic. Yet, amazingly, Republicans may repeal the individual mandate as part of their tax bill. How do they think that is going to fly?

Despite the spin from Republican leaders, passing this plan will not help Republicans climb out of the hole they are in. It will bury them deeper. Maybe if they pass the bill, they will not say they are in disarray for the moment, but already this bill has had a miserable rollout. You know that when a party rolls out their No. 1 legislative plan, there should be trumpets and bands, but the public knows already that the bill favors the wealthy. The public knows that middle-class people get a tax increase.

So at best, the rollout of this bill has been mixed. I would say it has been negative, and the American people agree because many more people are against this bill than are for it, according to all of the polls. Passing a partisan tax plan that favors the wealthy and raises taxes on millions of middle-class and upper middle-class families in the suburbs is no political cure. It is political poison.

The real way to win back the esteem of the American people would be to put partisanship aside, put a giant tax cut for the wealthy on the shelf, and come work with Democrats on real bipartisan reform.

Mr. President, I would also like to just announce my strong opposition to

Mr. Wehrum to the EPA's Office of Air and Radiation.

While working in senior roles at the Office during the Bush administration, Mr. Wehrum led the efforts to weaken clean air protections. During his tenure, courts ruled that the Agency violated the Clean Air Act 30 times. Mr. Wehrum represented industry clients against the EPA 31 times since 2008.

He does not deserve to be in this position. Anyone who cares about the lungs of their children should not want Mr. Wehrum in that position. I hope we will get some bipartisan support to reject this really awful nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, I want to continue to share with our colleagues the reasons I oppose the nomination of Bill Wehrum to be EPA's Assistant Administrator for Air and Radiation. Throughout his career, Mr. Wehrum has clearly shown he is dismissive of the science that is the core of EPA's actions to protect public health. Nothing during this confirmation process has convinced me that Mr. Wehrum's approach will change going forward.

I have said this before, and I will say it again because it makes Mr. Wehrum's priorities clear, our courts have overturned regulations that Mr. Wehrum helped craft while at EPA a staggering 27 times. That is 27 times that the courts determined the rules Mr. Wehrum put in place did not follow the law or did not adequately protect public safety—27 times.

In one of those instances, the courts faulted EPA's lack of action to reduce mercury and toxic air pollution emissions from electric powerplants.

I have worked on controlling mercury pollution since I became a Member of this body 17 years ago, so I would like to spend some time talking about this issue, mercury.

Much of our country's ongoing efforts to clean up air pollution hinge on making sure every State plays by the rules and does their fair share to reduce air pollution. That includes dangerous toxic pollution like mercury. Toxic air pollution gets into the air we breathe, gets into the food we eat, builds up in our bodies without our knowledge and can lead to cancer, to mental impairment, and even to death.

Unfortunately, Mr. Wehrum has spent much of his career fighting to dismantle the Federal environmental protections on which any State—my State, your State, so many other States—depends in order to clean up toxic air pollution.

Twenty-seven is also the number of years ago that President George Herbert Walker Bush signed the Clean Air Act Amendments of 1990 into law. Nearly three decades ago, Congress had enough scientific data to know that mercury and other air toxics, such as lead and arsenic, were hazardous air pollutants that harmed people's health

and, as a result, should be regulated by the EPA.

The lawmakers—including myself—who sent the Clean Air Act Amendments of 1990 to the desk of a Republican President thought that the Nation's largest emitters of mercury and air toxics would soon be required to do their part and clean up. Unfortunately, it took 22 additional years for the EPA to issue the Mercury and Air Toxic Rule, which finally, 5 years ago, called for reducing mercury and other air toxics from coal-fired plants, our Nation's largest source of mercury emissions.

The EPA modeled the rule after successful steps that States across our country had already taken. The Agency required coal plants to install existing affordable technology that could reduce mercury and toxic emissions by 90 percent.

Today our Nation's power utilities are meeting the mercury and air toxics standards—they are meeting it—and electricity prices have not gone up; they have gone down. Some of you might find that hard to believe, but it is true. They have actually gone down.

You might ask why it took the EPA 22 years to address our Nation's largest source of mercury and air toxics emissions. That is a fair question. The answer, in part, is that Mr. Wehrum was working at the EPA and had the responsibility to assume this life-enhancing—if not lifesaving—task, a responsibility, sadly, he largely chose to ignore.

In the early 2000s, under Mr. Wehrum's leadership, the EPA decided to take a detour when it came to regulating mercury and air toxics from powerplants. Mr. Wehrum refused to follow the recommendation from the National Academy of Sciences and instead reversed an earlier EPA decision. He determined it was neither appropriate nor necessary to regulate powerplants under the air toxics section of the Clean Air Act. Instead, he chose a different path, helping to write a rule allowing powerplants to pollute more and for a longer time under a mercury cap-and-trade program.

In his push to make regulations on mercury emissions less protective, Mr. Wehrum promulgated a rule that industry not only supported but helped to write. In January 2004, the Washington Post reported that language written for industry by Mr. Wehrum's old law firm—Latham & Watkins—appeared word for word in the proposed rule published in the Federal Register—word for word.

The story reported that “a side-by-side comparison of one of the three proposed rules and the memorandums prepared by Latham & Watkins shows that at least a dozen paragraphs were lifted, sometimes verbatim, from the industry suggestions.”

After Mr. Wehrum's mercury rule was finalized, the Federal courts found that EPA had exaggerated the rule's benefits and, as a result, the rule was

overturned. In fact, the EPA lost so badly that the deciding judge said that under the leadership of Mr. Wehrum, the Agency deployed “the logic of the Queen of Hearts, substituting the EPA’s desires for the plain text of the law.”

So EPA had to start all over again because Mr. Wehrum ignored science and deferred to industry. What makes that delay process so egregious is that our Nation’s children were exposed to toxic air emissions from powerplants for an additional decade for no good reason.

In 2011, the Obama administration finally issued a new rule—the mercury and air toxic standard rule—that protects our children, protects our health, and protects our lakes and our rivers. What is more, industry is easily able to meet the rule’s targets, and our Nation is already seeing the benefits, but these health benefits do not seem to matter to Mr. Wehrum, who is still fighting for delays in mercury and air toxic emission reductions.

In fact, while representing his industry clients, he has supported a lawsuit against the mercury and air toxic rule. Under his leadership, Mr. Wehrum’s law firm has been arguing that it is not “appropriate and necessary” for the EPA to regulate mercury and other air toxic emissions. Not appropriate and necessary? That is what he says.

When I asked Mr. Wehrum about his time at the EPA and his work to delay mercury regulations, he was elusive. He seemed to have a selective memory with respect to the actions he did or did not take when he last served at the EPA.

When I asked him if he would commit not to weaken the mercury and air toxic rule if confirmed, he basically refused to answer. However, to his colleagues, he is very clear regarding his thoughts on the mercury and air toxic rule. In a trade press article published just 1 year ago, Mr. Wehrum said: “From our perspective, it’s a regulation that made no sense and wasn’t justified.”

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxic pollution—pollution that pediatricians tell us damage children’s brains and could affect up to 600,000 newborns every year—600,000 newborns every year.

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxics pollution—pollution that settles in our lakes, our rivers, streams, accumulates in our fish, and makes them too dangerous to eat.

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxics pollution, even though power companies have already bought, paid for, and installed the control technology on all powerplants without hiking electricity rates.

This information should be quite concerning to all of us, to all of our col-

leagues—I don’t care where we come from—especially those who have supported the mercury and air toxic rule, as many of us have.

If confirmed, Mr. Wehrum would be part of the review of the mercury and air toxic rule that Mr. Pruitt promises to undertake. Think about that.

This is just one of the many clear examples in which Mr. Wehrum continues to support polluters over science and doctors, even going so far as to give polluters the pen to write the regulations they would have to follow. Unfortunately, there are many more.

Mr. Wehrum also spearheaded regulations when he was last at EPA that weakened air protections for national parks. The courts threw out those efforts to weaken the so-called regional haze rule, compelling the Obama administration to clean up his mess and provide this protection for iconic parks like the Grand Canyon and the Great Smoky Mountains National Park because, again, Mr. Wehrum did not follow science or the law.

Nonetheless, Mr. Wehrum continues to pursue ongoing litigation against EPA’s efforts to reduce national park pollution. Last year, Mr. Wehrum declared in an article: “EPA used the regional haze programs to impose very stringent, and from our perspective, unwarranted emissions requirements.”

Mr. Wehrum also has a long history of ignoring climate change science and the laws that regulate carbon emissions. While at the EPA, Mr. Wehrum was critical of the Agency’s decision to deny the State of California a waiver to impose stricter vehicle standards to reduce greenhouse gas emissions as well as costs for consumers. Mr. Wehrum personally pushed for this action against recommendations of the career staff who did not believe the George W. Bush administration political appointee had a legal basis to deny California’s request.

I am here today to remind Mr. Wehrum and all those who continue to delay action to control greenhouse gas emissions under the premise that more information about how the climate is changing or whether or not human beings are exacerbating the effects of climate change—the facts are in. The science is clear.

Even if he doesn’t want to believe the numbers and the data—Mr. Wehrum lives in Delaware, as do I. We run races together, sometimes ride the same trains back and forth between Wilmington and Washington. However, in the State in which we both reside, for us, the effects of climate change are evident. In our State, we are the Nation’s lowest lying State. Parts of our State are sinking while at the same time the waters are rising along our shores.

By his own admission, while at the EPA, Mr. Wehrum provided support to the government litigation team in a famous case: *Massachusetts v. EPA*. That team argued that greenhouse gases are not pollutants that could be regulated

under the Clean Air Act. It is not just me who disagreed with Mr. Wehrum in this instance, the Supreme Court of the United States disagreed as well.

Unfortunately, Mr. Wehrum’s views on climate change seem to be the same as they were 15 years ago. Despite the Supreme Court’s ruling in *Massachusetts v. EPA*, which affirmed EPA’s authority to regulate greenhouse gases under the Clean Air Act, Mr. Wehrum insisted in 2013 that he “continues to believe, that Congress never intended the EPA to address an issue such as climate change under the Clean Air Act.”

In his nomination hearing before the EPW Committee, Mr. Wehrum claimed that the climate is changing, but much is unknown—much is unknown—about why and how fast those changes are occurring.

I could go on for a while, as you can imagine, but suffice it to say, these views of Mr. Wehrum are not just curious, they are dangerous. They are dangerous. Ignoring environmental health science just because you would rather not put protections in place hurts all of us in the end but especially the most vulnerable among us. Mr. Wehrum’s time at EPA is at odds with the public health mission of that Agency.

All of the failed regulations Mr. Wehrum worked on created greater uncertainty for business and left the lives of the most vulnerable populations at risk.

I would like to close by reflecting on why I think today’s vote is so important. My wife Martha and I go to a Presbyterian Church in Wilmington most Sundays. Earlier this year, on an especially lovely spring morning—a morning I had gone out for a run—we joined our congregation in singing a number of hymns, and one of them began with these words:

For the beauty of the Earth,  
For the glory of the skies,  
For the love which from our birth  
Over and around us lies,  
Lord of all, to Thee we raise  
This our hymn of grateful praise.

It is a powerful passage, and we should let these words really and truly resonate, especially on this morning.

Scripture reminds us repeatedly to love our neighbors as ourselves. We know that and call that the Golden Rule. It appears in every major religion in the world—I don’t care if you are Christian, Jewish, Muslim, Hindu, Buddhist. I don’t care what your faith is, there is a Golden Rule in your Sacred Scriptures. In our faith, we call it the Golden Rule.

Also found in those pages is another sacred obligation that we are to serve as stewards of this planet to which we have been entrusted, and we have a moral obligation to do so. I know a great many of our colleagues here in the Senate agree that we have a responsibility to care for the world around us and the people who live in it. Most Americans believe that. We all have an obligation to protect the health of our children and our families

and the world in which we live. We have an obligation to ensure that we have clean air to breathe—perhaps the most basic, most important right of all. For me, this is not only my responsibility as a parent and as an official elected to serve the people of Delaware; it is a moral imperative, a moral calling.

Americans deserve EPA leaders who believe in sound science. Americans need EPA leaders who will listen to the medical experts when it comes to our health and who will be able to strike a balance that ensures both a cleaner environment and a stronger economy—something we have done for the past 27 years since the adoption of the Clean Air Act Amendments of 1990.

Moving forward with this nominee and thus allowing him to execute his extreme agenda once again at the EPA, especially when we have seen how poorly he handled that authority before, would be, in my mind, simply irresponsible. I do not believe Mr. Wehrum is the right fit for this position. I encourage my colleagues, Democrat and Republican, to vote no on his nomination to be EPA's Assistant Administrator for Air.

Mr. President, I reserve the remainder of my time.

Mr. President, I ask unanimous consent that prior to the vote on confirmation on the Wehrum nomination, there be an additional 2 minutes of debate, equally divided.

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to oppose the nomination of William Wehrum to be the next Assistant Administrator for Air and Radiation at the Environmental Protection Agency. This job is really pretty straightforward. The person in this job must fight for the right of every American to breathe clean air. But here is the problem: Mr. Wehrum has dedicated his career to the service of corporate polluters. Like President Trump and Administrator Pruitt, in a fight between hard-working families and well-paid corporate polluters, Mr. Wehrum sides with the corporate polluters every single time.

President Trump promised to “drain the swamp” in DC. But, seemingly, with every week, this Republican-controlled Senate approves yet another one of the President's corporate insiders to advance Big Oil and Big Coal's dirty wish list. The decision to nominate Mr. Wehrum is no exception. He is another conflict-ridden, climate-dismissing Trump nominee who has made a career of putting corporate profits ahead of hard-working families who depend on the EPA to have their backs.

Some of my Republican colleagues have argued that Mr. Wehrum has extensive experience serving at the EPA under the Bush administration, and that is true. Let's take a look at his experience. Mr. Wehrum fought to keep

States from setting their own higher vehicle emissions standards in order to try to keep the air cleaner. He played a key role in the Bush administration's insistence that the EPA has no responsibility to combat climate change—a view that the Supreme Court rejected in 2007 in *Massachusetts v. EPA*. When the Bush EPA was required by law to propose a rule limiting mercury emissions from powerplants, Mr. Wehrum's influence helped tilt the rule to benefit big coal. In fact, several paragraphs of the proposed rule were lifted verbatim from memos provided by the same pro-coal lobbying firm that Mr. Wehrum had worked at before joining the EPA.

The egregious inadequacy of the proposed rule and its blatant disregard for rulemaking processes led to 8 years of unnecessary delay in limiting toxic mercury emissions. There were 8 additional years of an estimated 130,000 asthma attacks, 8 years of 11,000 premature deaths—all potentially avoidable if Mr. Wehrum and his colleagues had just listened to the science and made the protection of human life more important than the protection of corporate interests.

During his tenure at the EPA, looking out for big corporate polluters was standard practice for Mr. Wehrum. In 27 separate cases—27 cases—Federal courts found that the regulations that Mr. Wehrum helped write contradicted or violated the Clean Air Act and failed to protect public health.

Mr. Wehrum has a lot of experience—the weak-kneed experience of someone kissing up to big corporate interests.

In reflecting on his time at the EPA, Mr. Wehrum said: “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.”

Yes, valuable, sure, but valuable for whom? Valuable for small towns across America that desperately need more champions fighting in their corner? Valuable for our coastal communities and farmers dealing with the tangible effects of climate change? No. He meant valuable for his own bank account.

Mr. Wehrum describes his time working at the EPA as being “very valuable” because it allowed him to “be effective in generating business and clients.”

I guess he thinks this latest trip through the revolving door will be even better for helping him drum up business from future polluters.

And why wouldn't he? Since leaving the EPA in 2007, Mr. Wehrum has been one of the go-to lawyers for big corporate polluters looking to get off easy or to save a buck at the public's expense. In at least 31 lawsuits against the EPA, Mr. Wehrum has fought to diminish Federal climate policy, to roll back limits on toxic mercury emissions, and to undermine public health protections. From what I can tell, not once has he chosen to use his valuable experience at the EPA to fight for

stronger clean air protections that benefit our children and our seniors who suffer the most from toxic emissions.

When deciding whether someone is qualified for public service, sure, experience matters. But it matters who you fight for—whether it is a lawyer before the courts or as a senior appointee in the administration. It matters whether you have a demonstrated commitment to serving the public interest or the narrow corporate interests of rich companies.

Mr. Wehrum is not a person who fights for the moms and dads who know the terror of a child having an asthma attack. He is not a person who fights for the low-income and often minority communities that are literally choking under a cloud of industry toxins. He is not a person who fights for our communities that are suffering from the growing impact of climate change. No, he is a person who does the lucrative bidding of corporate DC insiders, both in government and outside government, and then he leaves American families to just suffer the consequences.

This administration, this Republican Congress, and nominees like Mr. Wehrum are experts at ignoring the facts, but they can't change those facts. Our planet is getting hotter. Our seas are rising at an alarming rate. Our coasts and islands are threatened by devastating storms. Our farms and forests are threatened by droughts and wildfires that are becoming so common across this country that they barely even make the evening news.

The effects of man-made climate change are all around us. Things will only get worse if we don't do something about it. We should never hand our government over to wealthy and powerful companies that put their own profits ahead of people. We certainly shouldn't put someone in charge of our clean air program that will not put the health, the safety, and the future of the American people ahead of short-term corporate profits.

Make no mistake, President Trump wants a fight. Administrator Pruitt wants a fight. William Wehrum wants a fight. And we will give them that fight because the American people will fight to protect the health of our children and our grandchildren, to build a clean energy economy, and to safeguard the future of our planet.

The American people deserve someone who will fight in their corner, and that is not William Wehrum.

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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, it has been a sorry spectacle for Americans to witness what the polluting industries are doing, with the full connivance of the Trump administration,

to the Environmental Protection Agency—an Agency that enjoys broad popularity among the American people but is obviously a thorn in the side of big polluters who make very big campaign contributions and therefore have inordinately big influence here in Congress.

The creep show parade of nominees to the offices responsible for protecting the public's health at EPA is nothing short of astounding. It is an array of cranks, charlatans, hacks, lobbyists, and toadies in really unprecedented measure in the history of our country. It seems that at this point the key and only credential for appointment to the Environmental Protection Agency is that you are reliably pro-industry and reliably anti-public health.

We are facing a nomination for one of these characters, whose name is William Wehrum. He was previously nominated to the EPA Office of Air and Radiation in 2006, but even back then, his record was such a scandal that the White House withdrew his nomination. Now, that was 2006. That was before Citizens United. That was before the flood of political power to the big polluting industries. Now, on this new political field, he is back, he is just as bad, and there is no hint that the Trump administration has any intention of withdrawing his nomination. He has a real problem dealing with environmental issues, and I think it relates to his record.

In recent years, Mr. Wehrum has represented industry in 39 Federal appellate cases opposing cleaner air protection. He is 39 to 0 in terms of taking the side of industry against clean air protections, and 31 of those cases involved lawsuits against EPA. So he will now be defending and judging cases of the type that he brought against the EPA on behalf of industry. Again, not one of those cases argued for better clean air protections. Many of them questioned air toxic standards that had been established by EPA. Some of the lawsuits were against rules that had to be rewritten by the Obama administration when EPA failed to follow the Clean Air Act, when a rule was thrown out by the courts for failing to be true to the law. So this is not a great moment for the integrity of government in this particular case.

When we asked Mr. Wehrum questions—for instance, I asked him about carbon dioxide's role in the observable effects of climate change, and he replied: "The degree to which manmade [greenhouse gas] emissions are contributing to climate change has not been conclusively determined."

That entire sentence hangs on one word: "conclusively." So if 999 scientists said that this is indeed conclusive but you had 1 outlier—1 against 999—then you could argue that the degree to which manmade greenhouse gas emissions are contributing to climate change has not been conclusively determined. But in the world in which Mr. Wehrum is going to be making decisions, that is not a relevant standard.

That is a standard that comes from the climate-denial talking points; it is not a standard that arises from the law or from the way administrative agencies are required to review scientific evidence.

The distinguished Presiding Officer was an attorney general and knows very well that the standard for getting scientific evidence admitted in a court proceeding is whether it is accurate to a reasonable degree of certainty. There is no standard that it has to be conclusive; that is an imaginary prop of the fossil fuel industry to be able to address the fact that it is virtually unanimous science against them and there are only a few payroll scientists floating around to keep it from being conclusive.

To a reasonable degree of scientific certainty, are manmade greenhouse gas emissions contributing to climate change? Without a doubt. Indeed, NOAA and EPA have concluded that "carbon dioxide is the primary greenhouse gas that is contributing to recent climate change." That is it. And rules at an administrative agency have to pass the test of being based on substantial evidence, as the Presiding Officer knows, and not being arbitrary or capricious. In any rational world, it would be arbitrary and capricious to deny the vast weight of science because it is not 100 percent conclusive. Nobody makes decisions on that basis in real life.

This, right in this individual's testimony, is a direct echo of fossil fuel industry talking points, fossil fuel industry propaganda, and it is a preview of coming attractions as to whose message he will be mouthing in a position of public responsibility.

Similarly, I asked him about ozone. One of the goals of the Clean Air Act itself is to set standards for how much ozone there can be in the air. This makes a big difference to Rhode Island because Rhode Island is a downwind State from most of the industrial and powerplant emissions through the Ohio Valley, in the Midwest, and through West Virginia. We actually have ozone alert days in Rhode Island—ozone alert days, when you drive in in the morning and the drive-time radio is warning you that this is not a good day to be outside. It looks sunny. Ozone is transparent. It looks fine. It is usually warm because ozone is propagated in warm air. So on a warm, sunny day, you are driving in, it looks as if everything is fine, and you are warned that the elderly, small children, and people who have breathing difficulties or disabilities should stay indoors. That is the price Rhode Islanders are asked to pay for this ozone pollution we have to live with—stay indoors.

Ozone standards have been in place at EPA for 45 years. For 45 years, EPA has regulated ozone. What did Wehrum answer when I asked him about ozone? "I am not familiar with the current science on the health effects of ozone, so I cannot comment on your question

as to the appropriate level of the standard." Really? He wants to run this office—the office which has been handling ozone regulation for 45 years—and he is not familiar with the current science on the health effects of ozone? I think he is quite familiar with the current science on ozone, and in this position, he is going to be looking for ways to get around that science to help the ozone-emitting clients of his private practice.

I asked him about the endangerment finding. The background of the endangerment finding is this: In *Massachusetts v. Environmental Protection Agency*, the Supreme Court of the United States decided that carbon pollution was, in fact, a pollutant under the Clean Air Act. They decided that in the Supreme Court, and that is now the law of the land.

Then, pursuant to that Supreme Court determination, the EPA had to take a look at whether it is a dangerous pollutant. And they did. Their determination as to whether it is a dangerous pollutant is called an endangerment finding. Sure enough, EPA found that carbon dioxide being emitted by these fossil fuel plants is, in fact, a danger to present and future Americans, to this generation and to generations to come.

Mr. Pruitt, who is one of the slyer rascals around out there, said in the Environment and Public Works Committee that he would not contest or seek to review the endangerment finding. There is an obvious reason why somebody who is completely in tow to the fossil fuel industry would not wish to revisit the endangerment finding; that is, because you would drop an avalanche of scientific fact on your own head. You would be obliged to put the phony little scrapes of climate denial that the fossil fuel industry funds and propagates through a whole bunch of front groups up against the real science that is agreed to by essentially every legitimate scientific organization in America, that is taught at every American State university in all 50 of our States, that has formed the basis of our Defense Department's Quadrennial Defense Review pointing out that climate change is a catalyst of conflict and a national security risk, and that is recognized and tracked by the National Laboratories of the United States that we fund.

Up against the phony-baloney nonsense that is propagated by the fossil fuel industry, that is a rout. Of course, the last thing the fossil fuel industry wants is a fair contest in a fair and factual forum between the real science and their phony science denial. So, of course, Pruitt doesn't want to kick that fight off, and, therefore, he is now stuck with the endangerment finding.

I asked Mr. Wehrum about the endangerment finding, since it is a finding related to greenhouse gases, which are subject to the Clean Air Act, which would be his responsibility in

this position at EPA. He said: I currently do not have a view on the endangerment finding.

I bet he had a view when he was being paid by the Rubber Manufacturers Association to consider emissions of carbon dioxide; I bet he had a view when he was being paid by the American Forest & Paper Association; and I am pretty sure he had a view when he was being paid by the American Petroleum Institute. So this new, sudden absence of a view seems improbable in the extreme. It looks like the best thing he can say to not have to admit the real science, knowing perfectly well that if he actually tried to deny it, that same avalanche of real science would fall around his head.

In some respects, it is tragic that we are now in a situation in which an agency of the U.S. Government has been handed over to the polluters lock, stock, and barrel. They have been given absolute sway to drive an industry agenda through the Agency that is supposed to be protecting us.

In the balance of Pruitt and all of his little minions in this creep show array of appointees, all you can expect from them is the industry point of view, as close as they can deliver it, without stepping on any of the factual or legal traps that will snap shut on them if they go a little bit too far and actually step into a forum like a courtroom or a contested proceeding where they are obliged to be under oath, where there is a prospect of discovery, and where you have to meet the proper standards for administrative rulemaking, such as based on "substantial evidence" or not "arbitrary and capricious."

There have been two recent descriptions that have come out that put the climate change problem into perspective. The first is the "U.S. Global Change Research Program Climate Science Special Report," which is part of the "National Climate Assessment" that Congress mandated some years ago. The best scientists from 13 different agencies got together, and over many, many months they put together a comprehensive review of the science and of what is going on. The opening sentence is: "The climate of the United States is strongly connected to the changing global climate."

A little sidebar on that—what is happening on climate change in the United States is strongly connected to the change in global climate. When you dump carbon emissions into the atmosphere, it is not just our atmosphere; it is everybody's atmosphere. When China or Russia or India dump carbon emissions into the atmosphere, they are not just hurting their atmosphere; they are hurting our common atmosphere of the planet.

A little trick that Administrator Pruitt has developed is—in calculating the harms of climate change—to look only at U.S. emissions and look only at U.S. effects.

If you have an international problem, as our scientists say, strongly con-

nected to the change in global climate, what happens when you look only at the American effects and look only at the American emissions? What that means is that when you are scoring the harm of climate change, you are cutting it down to a mere fraction of what actually exists. You are cutting out the harm that other nations cause to us with their emissions, scrubbing it right off the books, and you are scrubbing off the harm that our emissions do to other nations, scrubbing it right off the books. It doesn't change the harm, of course; it just tweaks the accounting with a piece of rhetorical trickery to help the fossil fuel industry not have to be accountable for the actual harm it causes. That is what we have learned to expect from the EPA—nothing about the actual harm that climate change causes but accounting trickery to try to dial the number down so that a huge majority fraction of the harm never even gets counted.

"This assessment concludes, based on extensive evidence, that it is extremely likely"—which is the highest level of scientific certainty—"that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."

It goes on. It is not only that the evidence entirely shows "that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause," but when you look at what the alternatives might be, here is what the next sentence says: "For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence."

Not only is there an avalanche of evidence supporting the determination that carbon dioxide and other greenhouse gases are causing the climate change we have observed, but when you look to see, well, maybe there is another explanation, there is none, zero. It does not exist. Why not? Because it has never been real—the phony science on the other side. It has always been propaganda. That is why it is featured on talk shows instead of peer-reviewed scientific publications. That is why it comes through phony industry front groups like the George C. Marshall Institute rather than real scientific organizations. We have known that for a long time.

I see that another speaker has come to the floor. Let me conclude with the recent statement, just in the last few days, of the Pontifical Academy of Sciences. One of the strongest voices for addressing climate change has been Pope Francis. Pope Francis not only sees it as a real problem for our planet and for our care of God's creation, but he also sees it as a justice issue, as a moral issue. The wealthier societies are degrading the quality of life in poorer societies, shifting costs and harm to them, which they are much more vulnerable to than we are, in a cocoon of wealth and air conditioning

and supermarkets and all of that. He has been a remarkable voice for this.

One of the things he did was to set up this panel to take a look at climate change and what it means for the planet. The document is called "Declaration of the Health of People, Health of Planet and Our Responsibility Climate Change, Air Pollution and Health Workshop."

Here is its opening statement, which it calls the "Statement of the Problem." "With unchecked climate change and air pollution, the very fabric of life on Earth, including that of humans, is at grave risk."

If you align the science that comes through the "National Climate Assessment" and align the universities of our great country, the national labs of our great country, the military experts in this area in our great country, and now this international body pulled together by Pope Francis, they all come to the same place. It is just here in Congress, where the fossil fuel industry, through massive amounts of political spending, has shut down responsible conversation about this problem that there is any window for climate denial to creep back in—and, of course, the ability of this administration, in tow to the fossil fuel industry, to stick climate-denying fossil fuel operatives into positions of public responsibility. This is a disgrace. The fact that this body cannot stand up to them, cannot find patently conflicted, patently unqualified nominations to be beyond the pale for us is a terrible testament as to how the power of the fossil fuel industry has corrupted our ability to perform our function in the Senate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Rhode Island, Senator WHITEHOUSE, for his leadership. He has never given up on this, and he will never give up. We have many important issues ahead, one of which I am going to address—climate change—about this nominee and the fact that every country in the world now, including Nicaragua and Syria, have pledged to be part of this international climate change agreement, which is so important for reducing greenhouse gases. I thank Senator WHITEHOUSE for carrying the torch on this for so long.

I join him today in rising to speak about the nominee who the Senate is currently considering to lead the Environmental Protection Agency's Office of Air and Radiation. If confirmed, Mr. William Wehrum will be tasked with carrying out and managing critical Agency functions related to controlling airborne pollution, improving air quality, monitoring greenhouse gases, and overseeing energy efficiency standards.

By the way, I was always proud that the first bill I introduced to the U.S. Senate when I got here was a bill with Olympia Snowe, who is my Republican mentor. That bill required the Agency to start collecting data on greenhouse

gas emissions. I take this very personally. The Agency ended up deciding to do it itself, as Senator WHITEHOUSE is aware. But it was my first bill, and I decided that was a good first bill. It was bipartisan, and it got to the core of this issue that our country needs to take responsibility, that we need to work with the rest of the world. But most importantly, this is a long-term issue, shared by my businesses in Minnesota, shared by everyone from hunters to snowmobilers, to ice skaters in our State—the concern of our changing climate and the effect it will have on our way of life.

There are two specific issues that Mr. Wehrum will be involved in directing from the EPA that I wish to discuss: first, the renewable fuel standards and, then, circle back to this issue of climate change.

Minnesota's agriculture is very important to me. We are the fifth biggest ag State in the country. It is why I sought a seat on the Senate Agriculture Committee and why I have consistently pushed for a strong renewable standard. I believe we should be working in this body to help the farmers and the workers of the Midwest, not the oil sheikhs of the Middle East.

Recently, I led a letter with Senator CHUCK GRASSLEY, which was signed by 38 Senators, calling on Administrator Pruitt to ensure that the final rule for 2018 and 2019 sets blending targets that promote growth in the biofuel sector and in our economy.

The final rule for 2017 followed congressional intent and required a record amount of biofuel to be mixed into our transportation fuel supply. The final rule this year should do the same. Reducing the blend targets of advanced biofuels could shortchange the growth of clean energy innovation and stifle the growth of the market for new biofuels.

So far the response from the administration in backing off these plans, thanks to Senator GRASSLEY's leadership, has been encouraging, but the proof will be in the pudding when the rule is released before the end of the month. I appreciate the work of Senator GRASSLEY, Senator ERNST, Senator THUNE, and Senator DURBIN—who is here with us right now in the Chamber—and others who have worked on this Renewable Fuel Standard, as well as my colleague Senator FRANKEN.

Renewable fuels have become a homegrown economic generator for our country. They reduce the environmental impact of our transportation and energy sectors and cut our reliance on foreign oil. Every time a new study is released on this subject, I become more and more convinced that investments in renewable fuels are investments in our economy and in the health of rural America.

Last year, a study conducted by ABF Economics showed that the ethanol industry generated \$7.37 billion in gross sales in 2015 for Minnesota businesses and \$1.6 billion in income for Min-

nesota households. Here is a big one: The ethanol industry also supports over 18,000 full-time jobs in Minnesota. I see the Presiding Officer is from the State of Alaska. Just as he knows that the oil industry is important in our State, the ethanol industry is important in the Midwest, and I believe they can both coexist.

Just last weekend, I visited the Green Plains ethanol plant in Minnesota to see one of the operations behind these impressive figures and meet firsthand with some of the 60 people who are employed there. One of the things I heard while in Fairmont was how policy instability and delays have chilled investment over the years. Delays in releasing the RFS rule in previous years has undercut the Green Plains' ability to acquire necessary investments and create new employment opportunities. The need for stable policy and the forward-looking administration of the RFS is key to providing certainty for producers, employees, and manufacturers, while unlocking billions of dollars of investment in the biofuel sector.

We have to continue to build on the progress we have made of expanding production capacity more than threefold since 2005 with biodiesel, cellulosic ethanol, recycled waste, and other advanced biofuels. This is no longer some kind of a niche industry. This is 10 percent of our fuel supply. That is why I am concerned with some of the statements that Mr. Wehrum has made and some of the clients he has represented in lawsuits against the EPA, many of whom sought to undermine and weaken the RFS.

He was the counsel of record in several challenges to the RFS, including the E15 waiver, which allows for blends of up to 15 percent of ethanol in gasoline, something Senator THUNE and I have worked on. Yet most concerning was his role in a 2015 challenge to the requirement that diesel fuel sold in my State of Minnesota contain at least 10 percent of biodiesel, or B10.

Let me say that this kind of principle and this policy were supported by Democratic, Republican, and Independent Governors in Minnesota—from Tim Pawlenty to Jesse Ventura to Mark Dayton. My State has been a leader when it comes to the use of renewable fuels. We were the first State in the Nation to pass a biodiesel blending law and the first State in the Nation to require gasoline to be blended with 10 percent of ethanol. We continue to be a national leader in the use of E85.

In 2008 the State legislature amended the Minnesota mandate—that is when Tim Pawlenty was Governor—to gradually step up the required biodiesel blend from 2 percent to 5 percent and eventually to 20 percent from 2012 to 2018. Now, according to the statute, the B10 mandate will double to B20 starting on May 1, 2018. With bipartisan support and individual State responsibility, it is something that our State did because we knew it could work.

Despite Mr. Wehrum's best efforts, the U.S. district court upheld Minnesota's mandate on renewable biodiesel, which has been in the best interest of rural economies and consumers. These advances are going to help ag producers and rural manufacturing plants do even more for the regional economy. The further ethanol and biodiesel take us the less dependent we will be on foreign oil and the less of an impact our transportation and energy sectors will have on the environment.

I have already discussed the climate change issue, and I see that Senator DURBIN is here.

Again, I will just reiterate that I am a former prosecutor. I believe in evidence, and every week seems to bring fresh evidence of the damage that climate change is already causing. Minnesota may be miles away from the rising oceans, but the impacts are no less of a real threat to my State. I did not like Mr. Wehrum's answers that he gave to these questions during his hearing before the Environment and Public Works Committee, especially when I asked if he believed that human activities were the main driver of climate change and his response was: "I believe that's an open question."

I do not think this nominee should be running this part of the Agency, and we cannot sit back and ignore the evidence. We need to wake up, take action, and turn the corner on the devastating effects of climate change before it is too late.

I yield the floor.

THE PRESIDING OFFICER (Mr. SULIVAN). The minority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business until 11:15 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### VETERANS DAY

Mr. DURBIN. Mr. President, I would like to speak for a moment about Veterans Day, which is just 2 days away.

On Saturday, November 11, Americans will pause to honor the courage and sacrifice of America's veterans. More than 40 million Americans have served our Nation in uniform, in battles from Bunker Hill to Baghdad, and beyond.

Mr. President, as this Veterans Day approaches, I have been thinking about the words of one of those brave patriots. He is the son and grandson of military leaders. When his time came, he too went to war and suffered horrific deprivation and excruciating injuries.

Years later, he said: "Few veterans cherish a romantic remembrance of war." When wars are fought, he said, "a million tragedies ensue."

"War is wretched beyond description," he added, "and only a fool or a fraud could sentimentalize its cruel reality."

Those are the words of a man whom I am privileged to call a colleague and a friend, the senior Senator from Arizona, JOHN MCCAIN. We owe him and all of our Nation's veterans and their families our profound gratitude and respect for their courage, sacrifices, and



the hardships they endured for all of us.

Senator MCCAIN endured more than 5½ years of torture as a prisoner of war during the Vietnam conflict. When he finally came home, JOHN MCCAIN found another way to serve our Nation with honor. We thank him for that.

Mr. President, this week, the Congress dedicated a commemorative chair to honor all Americans ever held as prisoners of war and to honor the more than 83,000 servicemembers who remain missing in action.

The antique, empty chair will stand in Emancipation Hall in the Capitol as a solemn reminder of the servicemembers who were missing for years in captivity and those who remain missing today.

Mr. President, as we prepare to celebrate this Veterans Day, I want to tell you about another veteran, another patriot, who was also a prisoner of war. His war was World War II.

Like Senator MCCAIN, he survived, came home, married, raised a family, and spent decades in public service. His name is Richard Lockhart. Everybody calls him Dick Lockhart. He is 93 years old, almost 94. He is a lobbyist in Springfield, IL, the capital of my State and my hometown.

Dick Lockhart does not represent the big, monied interests. He represents the little guys—the nonprofit groups, the public workers, the mental health providers and the families who need them, among others.

He is the senior practicing lobbyist in Illinois, maybe in all of America. He will be giving up that title soon because, on December 31, Dick Lockhart is retiring at the age of 93 from the firm he founded 60 years ago. He is not stepping down because he is tired. He still works 7 days a week, most weeks. He is still physically strong and is as sharp as a tack mentally. No, Dick Lockhart is retiring because there are other things to do, he says. He wants to travel more and write the book that he has always wanted to write and explain to ordinary citizens how to make their government work better.

Dick's life would make a fascinating book, itself.

Born in Ohio in 1924 as an only child, his family moved to Indiana when he was young. The Great Depression hit the Lockhart family hard. Dick's dad lost his job. Sometimes the electricity was shut off at home for nonpayment. The family never owned a car, never took a vacation, and never ate a meal in a restaurant. Dick delivered newspapers and worked as a soda jerk during high school to help pay for expenses.

He was a student at Purdue University when Japan bombed Pearl Harbor. Exactly 1 year later, on December 7, 1942, he enlisted in the U.S. Army infantry.

He was assigned to the Army's 106th Division, the Golden Lions. In October of 1944, the 106th shipped out to England. In early December they arrived in

a quiet area of southeastern Belgium, near the German border. Military higher-ups assured the men of the 106th to expect an uneventful few weeks and that Germany would probably surrender before Christmas.

History had another plan.

In the predawn hours of December 16, German forces launched their last major offensive of the war, the Battle of the Bulge. The U.S. forces were outnumbered. Lockhart's regiment, the 423rd, fought for days. Finally—out of food, out of water, and out of ammunition—they surrendered.

In all, some 8,000 U.S. soldiers were captured at the Battle of the Bulge.

They were packed into railroad boxcars, crammed in so tightly that soldiers had to take turns sitting and standing. After 2 days of being in those boxcars, they arrived at a prisoner-of-war camp in Germany, known as Stalag IX-B.

Camp life was brutal. Medical care was nonexistent. Men died every day. Meals consisted of only thin "grass soup." On one bitterly cold day, Dick Lockhart was beaten savagely by a German prison guard. Decades later, he still experiences back pain from that beating.

One memory still haunts him.

One day, the prison guards demanded that any Jewish prisoners of war identify themselves. For several hours, no one stepped forward. After more threats, Jewish American soldiers began to step forward, apparently thinking that their U.S. citizenship would protect them. They were wrong. They were shipped off to a notorious hard-labor camp in another part of Germany.

On January 20, 1945, Dick Lockhart turned 21 while a prisoner of war in Stalag IX-B.

On April 2, 1945, American soldiers liberated the camp, Dick Lockhart, and the other prisoners. The Army sent Dick Lockhart home on a 60-day furlough with instructions to get some rest and to gain back some of the weight that he had lost in the prisoner-of-war camp.

He arrived home in Fort Wayne. He knocked at the door and was stunned to see a stranger open it. Months before, his parents had received a cable that read that their only child was missing in the war and was presumed dead. His mother, overcome with grief, went to Ohio to stay with her family. His father moved away to look for another factory job. Fortunately, they left forwarding addresses, and Dick found them soon and was reunited with his parents.

A month later, while Dick was still on leave, Germany surrendered. The war in Europe was finally over.

Dick had always loved Chicago. So he decided to use his GI bill to go to Northwestern University. He became involved in reform politics in Chicago—a battle of a different sort. He married and had two children, a son and a daughter.

In 1958 he founded his own lobbying firm to try to advance democracy through good policies and laws rather than through tanks and bombs.

He is honest, hard-working, modest, empathetic, and always an optimist. He has earned the respect of both sides of the aisle for decades of ethical and professional service in the Illinois General Assembly. Laws he has helped to pass have made life better for countless people in my home State. In recognition of that fact, the Illinois General Assembly recently voted to celebrate December 31, which will be Dick's last day on the job, as Richard "Dick" Lockhart Day in the State of Illinois—a well-deserved honor.

Five weeks after Dick Lockhart and others were captured, American forces won the Battle of the Bulge, liberated Belgium, and sent the German occupying troops back to Germany.

Two years ago, as part of the 70th anniversary of that event, Dick Lockhart returned to Belgium. The children and grandchildren of the Belgians who had been liberated from Nazi occupation greeted him like a hero. He was honored by the nation's King and Queen in a castle—royal treatment that he and all of the American soldiers richly deserved.

When Dick speaks about his experience as a soldier, he is never the hero of any story. He reserves that role for the young men who didn't come home.

He says: "There is an inscription in a World War II cemetery that reads, 'When you go home, tell them of us and say that for your tomorrow, we gave our today.'"

At the risk of contradicting my old friend, I have to say that Dick Lockhart is, indeed, an American hero.

This Veterans Day, we say to him and to all of the American veterans: Thank you for your service. Thank you for our freedom. Thank you for all of the tomorrows you purchased for us with your courage and sacrifice.

#### HEALTHCARE

Mr. President, in 2010, Congress passed the Affordable Care Act with one main goal in mind—to help more Americans get quality, affordable health insurance. And it worked.

Since the law took effect, more than 20 million previously uninsured Americans have gained health coverage, including 1 million in Illinois.

For the first time ever, our Nation's uninsured rate is below 10 percent. Insurers can no longer deny coverage due to a preexisting condition, charge sky-high premiums for being a woman or having a health history, or impose annual or lifetime caps on your benefits.

Young people can stay on their parents' plans until age 26, and we extended the life of Medicare by a decade. These are real improvements that are saving lives.

Was the law perfect? No. But did it accomplish its primary goal of ensuring that more Americans could obtain healthcare—regardless of their income, gender, or medical history? Yes, it did.

None of that has mattered to President Trump, who has spent the past 10 months orchestrating a deliberate campaign to sabotage healthcare for tens of millions of American families.

From his first day in office, President Trump directed Federal agencies not to enforce the law. He cut the open enrollment sign-up period in half. He yanked advertisements and slashed outreach and enrollment assistance funding.

And he terminated the cost-sharing reduction subsidies that keep costs down for 7 million Americans. As a result, individual market premiums will increase 20 percent next year alone.

President Trump has done everything within his power to sabotage and undermine this law.

Despite President Trump's repeated attempts at repeal and sabotage, the Affordable Care Act is still the law of the land, and that means that quality, affordable healthcare options are available.

And we are right in the midst of Open Enrollment. Starting last week—on November 1—Americans who purchased their health plans in the individual marketplace began signing up for health insurance that covers them next year, in 2018. But you only have 6 weeks to sign up. Open enrollment began November 1, and ends on December 15.

This is your opportunity to buy insurance that covers important health benefits—hospitalizations, prescription drugs, doctor visits, maternity/newborn care, mental health and substance abuse treatment.

And there is financial assistance to help you buy these plans. In fact, 8 out of 10 people who purchase health insurance in the individual market are eligible to receive tax credits that help make that insurance more affordable.

In Illinois, about 350,000 people purchase their health insurance in the individual market, and nearly 300,000 of them are eligible for tax credits that will ensure their health plan premiums are below \$100 per month.

So, despite the frenzy in Washington over healthcare: health insurance under the ACA is open for business, and the time to sign up is now. Visit [www.healthcare.gov](http://www.healthcare.gov) or call 1-800-318-2596. I would encourage everyone to sign up early. Don't wait until the last minute.

Speaking of waiting until the last minute, I remain dismayed that this Republican-controlled Congress has failed to reauthorize two incredibly important Federal healthcare programs—the Children's Health Insurance Program and the community health centers program.

Nationwide, 27 million people receive care from community health centers. And 9 million children and pregnant women get their healthcare through the CHIP program, including more than 330,000 kids in Illinois.

Because of congressional inaction, funding for these two programs expired

over a month ago, on October 1. And what have Republican leaders in the Senate done over the past month, while funding has lapsed for children, pregnant women, and our Nation's health clinics?

Well, they passed a budget resolution making it easier to give huge tax cuts to wealthy individuals and big businesses. That is right. While States and health centers are struggling to figure out how to keep their programs operating, while families are worrying about when their health coverage may run out, congressional Republicans are focused on tax breaks for the rich.

Facing this funding uncertainty, States and community health centers are trying to figure out how to keep their programs and clinics operating. Ten States—plus the District of Columbia—will run out of CHIP funding in the next month or so.

For example, later this month, the State of Colorado is planning to send health coverage termination letters to lower income families. The letter reads, in part: "You are receiving this letter because members of your household are enrolled in the [Children's Health Insurance Program] . . . If Congress does not renew federal funding, CHIP in Colorado will end on January 31, 2018 . . . there is no guarantee that they will."

Imagine how terrifying it would be to receive this letter, to learn that your child is about to lose their health insurance coverage because Congress is preoccupied with tax breaks for the rich.

It is beyond unacceptable that congressional Republicans abdicated their responsibility to reauthorize these critical health programs.

If we truly want to help the communities and people we serve, let's quickly reauthorize funding for children's health care and for community health centers.

And remember, if you need health insurance next year, you have until December 15 to sign up. Don't miss your chance.

#### PROTECTING OUR STUDENTS AND TAXPAYERS ACT

Mr. President, last week, I reintroduced the Protecting Our Students and Taxpayers, or POST, Act. I was pleased to be joined by Senators REED, BLUMENTHAL, CARPER, MURPHY, and WARREN in the Senate and by Representative STEVE COHEN in the House.

Since 1992, Federal law has required for-profit schools to derive a portion of revenue from non-Federal sources. This was meant to keep for-profit schools, which in general rely much more heavily on Federal dollars than traditional schools, from being completely dependent on Federal taxpayers to keep their doors open.

Originally, these schools had to receive at least 15 percent of their revenue from non-Federal sources. In 1998, the threshold was lowered to only 10 percent, creating today's so-called 90/10 rule. Think about that, Mr. President,

\$9 out of every \$10 these schools take in can come from U.S. taxpayers. But it gets worse.

Only Department of Education Federal student aid dollars are counted as Federal funds. A loophole in the law excludes billions in Department of Veterans Affairs GI bill education benefits and Department of Defense Tuition Assistance, (TA), funds from being counted as Federal revenue. It means, by recruiting veterans and servicemembers, for-profit colleges can actually receive more than 90 percent of their revenue from Federal funds and still comply with the law. This powerful incentive makes our men and women in uniform targets for predatory for-profit colleges.

I have told these stories before, but I think they bear repeating. I have told the story of two former military recruiters at a for-profit college in Illinois. They were told their job was above all to put "butts in classes," that they should dig deep into the personal lives of their recruits to find their "pain point." If a prospective student was out of work, recruiters were encouraged to say things like, "How do you think your wife feels about being married to someone unemployed?"

Entrance requirements were low—it didn't matter how long a student stayed as long as it was long enough for the school to receive the GI bill dollars.

There is Paul Fajardo, a marine veteran who served in Afghanistan. He used his GI bill benefits to enroll at the now-defunct Corinthian Colleges and had to live out of his car when his school lost its eligibility to receive GI bill benefits. He told the LA Times that Corinthian recruited him and other veterans because "they knew it was a guaranteed paycheck."

There is James Long, who suffered a brain injury when an artillery shell hit his Humvee in Iraq. He used military benefits to enroll at Ashford University after being heavily recruited. He told Bloomberg News that he knows he is enrolled at Ashford, but can't remember what courses he is enrolled in.

These veterans were nothing more than ATMs for these for-profit colleges intent on pocketing their hard-earned education benefits.

And in 2016, for-profit colleges pocketed 34 percent of all GI bill benefits—\$1.7 billion—and 44 percent of all Department of Defense Tuition Assistance funds—\$220 million. Mr. President, \$2 billion that these for-profit colleges were able to count as non-Federal revenue. Non-Federal?

The last time I checked, the Department of Veterans Affairs was part of the Federal Government, and the money it spends—whether on veterans' healthcare or housing or education—comes from U.S. taxpayers.

When asked in writing during his confirmation process whether GI bill funds are Federal funds, VA Secretary David Shulkin answered simply, "Yes."

And the last time I checked, the Department of Defense was part of the

Federal Government, and the money it spends—whether on planes or bombs or servicemembers' education—comes from U.S. taxpayers.

When I asked Secretary Mattis if Department of Defense Tuition Assistance funds are indeed Federal funds, he responded, "Yes . . . these benefits are Federal funds." Seems like common-sense. Yet the law doesn't see it that way.

That is why my colleagues and I have introduced the POST Act. Our bill will close this ridiculous loophole. It will count all Federal education benefits as Federal revenue and take the targets off the backs of veterans and servicemembers. The bill also reduces the Federal revenue limit to the original 85 percent.

Our legislation is supported by, among others, Student Veterans of America, the Military Officers Association of America, Paralyzed Veterans of America, and the National Association for College Admission Counseling.

Last year, in response to a request from Senator CARPER and me, the Department of Education publicly released Federal revenue data for the first time that included VA and DOD benefits. The data showed that 186 for-profit institutions received more than 90 percent of their revenue when these additional Federal education benefits were included. Mr. President, 563 institutions received more than 85 percent of their revenue from Federal taxpayers when all Federal sources were included.

I was disappointed that when the Department released its 90/10 calculations this year, Secretary DeVos did not continue the practice of releasing calculations that included VA and DOD funds, though maybe that shouldn't be surprising. After all, unlike Secretaries Shulkin and Mattis, Secretary DeVos has refused, when asked, to acknowledge the obvious—that VA and DOD education funds are indeed Federal funds or support closing the loophole.

But I am confident that the American people will see the current 90/10 rule for what it is—a loophole that makes no sense and that puts those who have served our country at risk.

This week, on the eve of Veterans Day, I will stand with my friend—Senator CARPER of Delaware—as he reintroduces the Military and Veterans Education Protection Act. This bill also closes the 90/10 loophole, but leaves the Federal revenue limit at 90 percent. It is a step in the right direction, and that is why I support it.

I hope our colleagues will consider supporting one or both of these commonsense proposals.

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.

Mr. MCCONNELL. Mr. President, I yield back all time on this side and reserve one minute for Senator CARPER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, as we prepare to vote on this nominee, I wish to implore my colleagues to take one last moment to think about this decision before us. I ask them to recall the words that I said just a bit earlier this morning from the hymn that Martha and I heard at church, not far from my home in Wilmington, DE, one Sunday on a beautiful spring morning. It is a song, a hymn that we all know:

For the beauty of the Earth,  
For the glory of the skies,  
For the love which from our birth  
Over and around us lies,  
Lord of all, to Thee we raise  
This our hymn of grateful praise.

That powerful message reminds me of the incredible responsibility we have in this body to serve and protect the people who sent us here. We must serve as stewards, also, of this planet, which has been entrusted to us and to care for all the most vulnerable among us.

For me, that is not just my responsibility as a parent or as an official elected to serve the people of my State for all these years. It is a moral imperative and a sacred obligation, and there is no more basic human need than having clean air to breathe.

I implore my colleagues. We have seen Mr. Wehrum's extreme agenda at the EPA once before. It would be the height of irresponsibility and a shirking of our moral obligation to confirm him today. I implore you to join me in voting no on Bill Wehrum.

Thank you very much.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Wehrum nomination?

Mr. MCCONNELL. 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 Kentucky (Mr. PAUL) and the Senator from Kansas (Mr. ROBERTS).

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 47, as follows:

[Rollcall Vote No. 268 Ex.]

YEAS—49

Alexander	Blunt	Burr
Barrasso	Boozman	Capito

Cassidy	Hatch	Risch
Cochran	Heller	Rounds
Corker	Hoeven	Rubio
Cornyn	Inhofe	Sasse
Cotton	Isakson	Scott
Crapo	Johnson	Shelby
Cruz	Kennedy	Strange
Daines	Lankford	Sullivan
Enzi	Lee	Thune
Ernst	McCain	Tillis
Fischer	McConnell	Toomey
Flake	Moran	Wicker
Gardner	Murkowski	Young
Graham	Perdue	
Grassley	Portman	

NAYS—47

Baldwin	Franken	Murray
Bennet	Gillibrand	Nelson
Blumenthal	Harris	Peters
Booker	Hassan	Reed
Brown	Heinrich	Sanders
Cantwell	Heitkamp	Schatz
Cardin	Hirono	Schumer
Carper	Kaine	Shaheen
Casey	King	Stabenow
Collins	Klobuchar	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Manchin	Warner
Donnelly	Markey	Warren
Duckworth	McCaskill	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	

NOT VOTING—4

Menendez	Roberts
Paul	Tester

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.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Thank you, Mr. President.

#### REPUBLICAN TAX PLAN

I come to the floor to speak right now because I know our colleagues are trying to move forward next week on some various proposals that are part of the tax package. I am very concerned and remain very concerned about the measures within the policy that raise taxes on middle-class families because I don't think we should be passing a tax bill that raises taxes on middle-class families. For me, in Washington, obviously, it is a big concern. We don't have an income tax. They are getting rid of our local deductions that are so meaningful to us.

Literally, we have done calculations—and I know there will be calculations in other States—that show you are literally raising taxes on middle-class families to give a tax break to corporations that, in some cases, aren't asking for them or certainly are not paying that corporate rate today.

I think we can do better than these policies. I certainly think we can do better than the policies that are going to be before the Energy Committee next week, if the information we are hearing now or getting word of is that my colleague on the Energy Committee, the Senator from Alaska, is going to propose literally getting rid of

the wildlife refuge as a refuge and basically the purposes for the refuge and instead saying that drilling would happen and thereby destroy the refuge.

I know today there are going to be scientists from across the country who are going to give word and testament to the fact that it is too dangerous to have drilling in the same place as a wildlife refuge, that they cannot coexist, that it will destroy the refuge. Apparently, that is what my colleague from Alaska already believes because she is now going to say that to do drilling, you have to change the status of the refuge.

I definitely believe there are much better ways in America to get revenue than basically destroying the wildlife habitat of caribou and of Arctic wildlife that is so treasured in the United States of America.

I certainly think there are better ways to do it than raising taxes on middle-class families, in both my State and your State that don't have an income tax and would rather continue to have the deductibility. I hope our colleagues will look at both of these ideas and go back to the drawing board. It is not where we need to be. We need to be protecting things that are so near and dear to us.

We definitely don't need to fund tax breaks for millionaires by destroying wildlife habitat. Instead, we should be going back to the drawing board on things that are going to help our economy grow in the future.

I hope the public is well aware that this is kind of dark-of-night tactics, where they want us to leave town on Thursday night only to come back on Monday and start in on a tax policy we haven't even seen. We haven't even seen the language yet.

I think we can do better than to have a rush-rush approach to give tax breaks to corporations and certainly not do it on the backs of working-class families in America—taking away from them viable deductions for education, for housing, for property taxes, for expenditures that they make. We can do better than to leave here and come back on Monday to rush-rush a tax break for corporations while raising taxes on middle-class families and destroying a wildlife refuge that scientists say is so important to our ecology to keep.

I thank the Presiding Officer.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 12:03 p.m., recessed until 1:46 p.m. and reassembled when called to order by the Presiding Officer (Mr. SASSE).

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The legislative 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 Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, 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 Derek Kan, of California, to be Under Secretary of Transportation for Policy, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Kansas (Mr. ROBERTS).

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 (Mrs. CAPITO). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 269 Ex.]

#### YEAS—87

Alexander	Feinstein	McConnell
Baldwin	Fischer	Moran
Barrasso	Flake	Murkowski
Bennet	Franken	Murphy
Blunt	Gardner	Murray
Boozman	Graham	Nelson
Brown	Grassley	Perdue
Burr	Harris	Peters
Cantwell	Hassan	Portman
Capito	Hatch	Reed
Cardin	Heinrich	Risch
Carper	Heitkamp	Rounds
Casey	Heller	Rubio
Cassidy	Hirono	Sasse
Cochran	Hoeven	Schatz
Collins	Inhofe	Scott
Coons	Isakson	Shaheen
Corker	Johnson	Shelby
Cornyn	Kaine	Stabenow
Cortez Masto	Kennedy	Strange
Cotton	King	Sullivan
Crapo	Klobuchar	Thune
Cruz	Lankford	Tillis
Daines	Leahy	Toomey
Donnelly	Lee	Van Hollen
Duckworth	Manchin	Warner
Durbin	Markey	Whitehouse
Enzi	McCain	Wicker
Ernst	McCaskill	Young

#### NAYS—9

Blumenthal	Merkley	Udall
Booker	Sanders	Warren
Gillibrand	Schumer	Wyden

#### NOT VOTING—4

Menendez	Roberts
Paul	Tester

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 9.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise today to voice my strong support for the nomination of Derek Kan to be Under Secretary for Transportation Policy at the Department of Transportation. The Commerce Committee held a hearing on his nomination on June 8, 2017, and reported his nomination favorably out of Committee on June 29, 2017, by voice vote.

It is now November 9—over 4 months since the nomination was reported out of Committee. This noncontroversial, well-qualified nominee has been languishing in the Senate for far too long. It is truly unfortunate that we have to go through the cloture process on this particular nominee, who is well known to many of us in the Senate due to his previous work as a Senate staffer.

To illustrate how noncontroversial and well-qualified this nominee is, less than 2 years ago, Mr. Kan was confirmed by voice vote in the Senate to be a director on the Amtrak Board of Directors. The only thing that has changed in the 2 years since Mr. Kan was previously confirmed is that some on the Democratic side have decided to hold this nomination hostage, as well as the nomination of Ronald Batory to be Administrator of the Federal Railroad Administration—a very important position, I might add—and the nomination of Adam Sullivan to be Assistant Secretary of Transportation for legislative affairs, pending assurances that the Trump administration will approve and fund the multibillion dollar Gateway project in New York and New Jersey. While no one questions the importance of this corridor, there are many other important projects that are also awaiting approval and funding at the Department. No project should get to cut the line based on the machinations of a handful of our Democratic colleagues.

As I mentioned, Mr. Kan previously served as a director on the Amtrak Board of Directors, and before that, he served as a general manager for Lyft, the transportation network company. Earlier in his career, he served as a staffer to the Republican leader and as chief economist for the Senate Republican Policy Committee. Before becoming a Hill staffer, Mr. Kan served as a Presidential Management Fellow at the White House Office of Management and Budget.

Once confirmed, Mr. Kan will be Transportation Secretary Elaine Chao's chief policy adviser on legislative and regulatory matters across all modes of transportation at the Department. With the ambitious agenda that

has been laid out before the Department under the Trump administration, I believe Mr. Kan will be well positioned to address the many challenges before the agency, including approving and funding important projects.

Now that we have had to go through this multimonth process to have a cloture vote—again, the vote was just recorded; it was 87 to 9—I urge my colleagues to support his nomination to be Under Secretary for Transportation Policy at the Department of Transportation. Getting these important positions staffed and filled is long overdue, and it is high time the games and politics that are being played with these nominations come to an end.

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. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time on the Kan nomination be yielded back and the confirmation vote on the Kan nomination occur at 5:30 p.m. on Monday, November 13.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 254, Steven Bradbury.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative 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 Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 383, David Zatezalo.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative 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 David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 300, Joseph Otting.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative 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 Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

Mitch McConnell, John Barrasso, David Perdue, Tom Cotton, John Kennedy, Luther Strange, Roger F. Wicker, Roy Blunt, Cory Gardner, John Hoeven, Mike Rounds, Thom Tillis, John Barrasso, John Thune, James M. Inhofe, Bob Corker, John Cornyn.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 313, Donald Coggins.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative 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 Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 314, Dabney Friedrich.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

## CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative 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 Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority whip.

## TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Madam President, only 4 days have passed since the terrible tragedy in Sutherland Springs occurred, and, of course, the grieving and

pain of the families who have lost loved ones and who had loved ones injured during the course of that terrible shooting incident—our thoughts and prayers are still with them. I am going to be traveling to Sutherland Springs this weekend to offer my condolences and ongoing support in person. It is important that we give the community the time and space they need to grieve.

By now, we all know that 26 people lost their lives during a church service at the First Baptist Church. This included an unborn child. Twenty more were injured, and some of them still remain in critical condition. What is amazing to me is that First Baptist will hold a church service this Sunday, just 7 days after a gunman stormed the building and committed the deadliest mass shooting in Texas's history. What resilience, what incredible resolve to come together 7 days after this terrible shooting and have the congregation that lost 26 of its members come together for a church service.

One little guy many of us will be praying for is 5-year-old Ryland Ward. Ryland was shot four times and was partially shielded by his mother, Joann, who, tragically, did not survive. Ryland is fighting for his life at University Hospital in San Antonio, and he remains in critical condition. I know we will all continue to think of him and pray for his recovery.

We continue to hear more about what led to this atrocity—a gunman with a history of domestic violence, animal cruelty, and mental illness. Because of his troubled history, which included convictions for domestic abuse in the military, he was legally prohibited from purchasing a firearm, but he lied about it. Unfortunately, the background check system, which is supposed to alert the dealer not to sell a firearm to a person with disqualifiers such as his, simply did not come back at all to demonstrate that he was, in fact, disqualified from purchasing a firearm. He was legally disqualified because he had beaten up his wife, had fractured the skull of his stepson, and he was legally disqualified because a military court in New Mexico had handed down a felony sentence for his attacking his own family. But as we know now, and as I have said, that information was not uploaded by the U.S. Air Force or the Department of Defense in the Federal background check database. Under the law it was supposed to be uploaded, but it wasn't. So he got away with lying about his record.

That is what we have to fix. After terrible incidents like this, the most common question I hear people ask or the most common statement I hear them say is this: We have to do something. But here that something we have to do is crystal clear. Troubled individuals like this monster should never have gained access to a gun. When he tried to purchase them, the person who checked the Federal database should have seen his name and

criminal convictions and said: No way, no how.

I have had conversations with many of our colleagues across the aisle and in the Chamber about this problem and what we need to do to fix it. Next week, I plan to introduce legislation to fix these flaws in the National Instant Criminal Background Check System and to ensure that all Federal agencies upload required conviction records like these in the NICS system as fast as possible. Clearly, that is not being done now, and we must do it and do it quickly to make sure that other potential killers will not be sold a firearm because of the defects in our National Instant Criminal Background Check System. It is imperative that this information be shared, that violent felons' convictions be uploaded, and that dangerous individuals not gain illegal access to firearms. Unlike law-abiding citizens, these individuals can't be trusted to do what is right because we know that in the wrong hands, guns can do tremendous harm.

I must add that in the right hands lives can be saved too. All we need to do is regard the actions of Stephen Willeford. When he heard the gunshots going off in the church, he grabbed his AR-15—what some people call an assault rifle. It is a semiautomatic legal weapon. He is an NRA, or National Rifle Association, certified instructor. He took that gun and shot at this killer to try to stop him from killing more people, and he was successful. He wounded the killer and put himself in harm's way. To me, this demonstrates not only the heroism of Mr. Willeford, but it demonstrates another reason why law-abiding citizens should be able to keep and bear arms, in the terminology of the Second Amendment to the U.S. Constitution. Law-abiding gun owners are not a threat to the public safety. It is only so when they get in the hands of felons, the mentally ill, and domestic abusers, like the killer in Sutherland Springs. So in the right hands, guns can save lives too.

As somebody who is a sportsman and believes in the Second Amendment and believes that law-abiding citizens ought to be able to keep and bear arms to defend their families and communities, I am proud of the work that Stephen Willeford did on that terrible day. I know there are those who believe that the NRA is somehow complicit in some of these terrible events, but I will tell you that the NRA did us all a favor by training somebody like Stephen Willeford so he was prepared on that horrible day to stop the shooter before he killed more innocent people. I applaud him for it, and I applaud them for teaching people gun safety and self-defense so they can protect their families, their property, and their communities as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

## NOMINATION OF STEVE GRASZ

Mrs. FISCHER. Madam President, I rise today to share my strong support



for Steve Grasz, who has been nominated by President Trump to fill a vacancy on the U.S. Court of Appeals for the Eighth Circuit. The junior Senator from Nebraska and I asked Nebraskans to express their interest in this position, and we conducted a thorough process of the applicants. I must say that, with more than 5,700 lawyers, Nebraska proved itself to have a talented legal community that has demonstrated an unwavering dedication to the rule of law.

However, in our search, one candidate stood out above the rest, and that was Steve Grasz. He is an outstanding Nebraskan and a talented legal mind. The President agreed. That is why he accepted our recommendation in August, and he nominated Steve for the Eighth Circuit.

Like so many other Nebraskans I have heard from during this process, the President recognized Steve's temperament, intellect, and skill as worthy on the Federal bench.

Steve excelled in his education at the University of Nebraska-Lincoln and the University of Nebraska College of Law. He then built a distinguished legal career, practicing appellate litigation over the past three decades. For 12 years, Steve served Nebraska as the chief deputy attorney general. He did so with dedication to justice, passionately defending our citizens and upholding the laws of our State.

Steve has handled numerous constitutional litigation matters in the Nebraska Supreme Court, the Eighth Circuit Court of Appeals, and the U.S. Supreme Court. In doing so, he has earned the respect of the Nebraska legal community.

For many years Steve has earned the Martindale-Hubbell "AV Preeminent" peer review rating, the very highest available. This peer-reviewed rating is based on legal knowledge and ethical standards, a nonpartisan litmus test.

Steve also serves on the executive committee of the appellate practice section of the Nebraska Bar Association, and he was selected as a fellow by the Nebraska State Bar Foundation, an honor reserved only for the top lawyers in my State. Nebraskans agreed that Steve has the extensive legal experience needed to serve on the Eighth Circuit. Yet the American Bar Association has rated Steve as "not qualified" for this position on the Federal bench.

As someone who spent months reviewing Steve's extraordinary qualifications for this judgeship, I was shocked when I heard the assessment. Something didn't add up.

But after a review of how the evaluation was conducted, things became more clear. The ABA rating of Steve Grasz appears to be based on his work defending Nebraska's pro-life laws as well as his personal views, which he shares with a majority of Nebraskans. Both evaluators discounted his remarkable legal career, choosing instead to focus on innuendo in their report because he associates with political organizations they disagree with.

There is nothing wrong with participating in the democratic process. Indeed, Steve's own evaluators have done just that. Steve's first evaluator, Cynthia Nance, has received several awards from the Democratic Party of Arkansas. His second evaluator, Laurence Pulgram, a San Francisco attorney, works as a liberal activist and has donated thousands of dollars to the Democratic Party. Again, the fact that these Americans have decided to engage in the political process is not shameful. They have every right to do so, just like everyone else. But here is the problem. They claim to be leading an impartial evaluation of Steve, when in fact they are really trying to take down his nomination and further their own political agenda.

A deeper review of the ABA evaluation shows a report that is long on anonymous sources and short on substantiated evidence.

This is not the first time that the ABA has been criticized for using anonymous sources, either. In 2006, while discussing Vanessa Bryan's ABA rating, the senior Senator from Connecticut stated:

I have even greater concern with the credibility of anonymous sources when those sources are used as evidence for a subjective characteristic such as judicial temperament. . . . I urge the Senate Judiciary Committee to only consider anonymous criticisms when such criticisms can be verified from other sources.

Even worse, the sourced evidence the ABA produced for their report doesn't hold up to scrutiny, either. One of the Nation's leading experts on judicial appointments also agrees that the facts are few when it comes to Steve's ABA rating. In his examination, Ed Whelan, the president of the Ethics and Public Policy Center, called the ABA evaluation "feeble beyond the point of incompetence" because it "selectively quotes" portions of an article written by Grasz to misrepresent his views. Whelan concludes that "it would thus seem that . . . the ABA . . . is unable to distinguish between its role as advocate and its role as adjudicator of the merits of judicial nominees."

As we learned more about this evaluation process, it is clear that the ABA uses its power as a reviewer of judicial nominees as a way to support its partisan agenda, instead of making a determination based on the merits of judicial temperament.

During Steve's confirmation hearing last week, my colleagues on the Judiciary Committee asked good questions that brought even more details to light. That is how we discovered that Steve was asked a number of inappropriate, leading questions during his ABA evaluation. These questions had no relevancy toward his ability to serve our Nation as a judge. He was asked for his personal opinion on social issues, including abortion, and he was later questioned about where his children went to school.

In response to a line of questions from the junior Senator from Arizona,

Steve explained that his ABA evaluator continued to use the term "you people" during the interview. When Steve finally asked what he meant by "you people," the evaluator told him he meant "conservatives and Republicans."

Steve also told the committee:

At least a half hour of that time was devoted to discussing a white paper that I had written on the judicial selection process for state judges in Nebraska. There was one paragraph in that rather lengthy article [where] I had criticized the oversized involvement of the American Bar Association in that process, and I had mentioned some of their political activities including their role in the debate over abortion rights as well as Second Amendment rights of individuals.

He continued:

It seemed to be a topic of great concern to the interviewer.

These tactics used by the ABA are not right. They show contempt for ideas that do not fit the interviewer's personal beliefs and in no way portray an attempt to consider carefully whether or not Steve Grasz is capable of being a fair judge. This wasn't an evaluation. It was a partisan, shameful attack. It was intended to further the political agenda of the two evaluators and damage Steve's sterling legal reputation.

In the days since the biased ABA rating was released, Nebraskans have spoken out, and I couldn't be more proud of them. In letters, online, on Facebook, and in the pages of our State's newspapers, our citizens have come to Steve's defense.

Richard Kopf, a senior U.S. district judge for Nebraska said he was "stunned" reading the ABA assessment of Steve. The ABA interviewed Judge Kopf about Steve, and although he did not know Steve personally, on two occasions he told the evaluator he believed Steve was "well qualified."

Judge Kopf wrote in the Omaha World-Herald:

One can only speculate, and my speculation was that Mr. Grasz, who is by all accounts a brilliant and honorable person, would do his best. I certainly have and had no evidence to the contrary. . . . I respectfully suggest that the committee got it wrong when it gave Mr. Grasz a "not qualified" rating.

Additionally, the president of the Nebraska State Bar Association, Timothy Engler, quickly responded to the evaluation by noting that his organization did not participate in the report or the ABA's grade. Mr. Engler also noted that his own personal view was that he always found Steve "to be professional, civil, and ethical in all respects" and that Grasz "would have no questions regarding his judicial temperament as a member of the Judiciary."

We received numerous letters of recommendation on Steve's behalf. Nebraskans from across the political spectrum have pointed to Steve's thoughtfulness, fairmindedness, high ethical standards, and brilliant abilities as a jurist.

The respect and admiration for Steve is also bipartisan. This includes former

Democratic Governor and U.S. Senator Ben Nelson, who wrote that Steve was “an asset to our state and Nebraskans benefitted from having such a capable and thoughtful professional in public service. Today, he is unquestionably one of the foremost appellate lawyers in the state, making him an obvious choice for this seat on our federal appeals court.”

Debra Gilg, the former U.S. attorney for Nebraska and a Democrat appointed by President Obama, wrote:

Steve has always enjoyed a reputation for honesty, impeccable integrity, and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him.

Those who have known Steve his entire life have vouched for him as well. For example, Bill Lydiatt of Bellevue, NE, wrote a letter to the editor to the Omaha World-Herald that said:

As a classmate of Grasz in Chappell, Nebraska, from kindergarten through high school and as a lifelong friend, I can personally vouch that Steve holds all of the attributes to be a successful judge.

Furthermore, pointing to his integrity and fairness, he concluded:

I don't share all his political views, but I can say without any hesitation that Steve Grasz is exactly the kind of person we need as a judge and is perfectly suited to the high honor of joining the 8th Circuit Court of Appeals.

In Nebraska, the truth holds more value than partisanship. Madam President, everyone serving in this Chamber swears an oath to support and defend the Constitution. One of the ways we do that is by confirming judges who we know will faithfully honor that pledge while serving our Federal court system. The Constitution states that we in the Senate, not the American Bar Association, are to advise and consent when it comes to judges. We have a duty to do so thoroughly, without bias, and through the use of all the information available to us.

Both the junior Senator from Nebraska and I trust Steve Grasz to support and defend the Constitution. So do those who know him best—the people of Nebraska who have worked with him for nearly three decades. The Senate should as well.

I urge the Senate Judiciary Committee to advance his nomination. The American people deserve to have talented and fair lawyers like Steve Grasz on the Federal bench.

Thank you, Madam President.

I yield the floor, and 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

#### TAX CUTS AND JOBS ACT

Mr. HATCH. Mr. President, today, as chairman of the Senate Finance Com-

mittee, I am releasing a chairman's mark for the Senate version of the Tax Cuts and Jobs Act, legislation that is the culmination of years of effort to reform our Nation's Tax Code. We have been at this a long time, and today marks a significant step forward in this effort. While we refer to this document as a chairman's mark, it has really been a group effort, with significant input from all the Republican members of the Finance Committee and great work from all of our staff. I want to thank everyone involved for their hard work, as well as their feedback, perspectives, advice, and ideas.

The last time Congress enacted a comprehensive overhaul of the Tax Code back in 1986, President Reagan famously noted that the American people would finally have a tax code they could be proud of. And in 1986, that was likely true. At that time, updates to the Tax Code were necessary to keep pace with the technological and geopolitical changes our Nation had been facing. That sounds pretty familiar, Mr. President. It is, after all, what we have been saying for the last several years. The world of 1986 was vastly different from the world we live in today. Advances in the past three decades have been monumental. Yet our Tax Code has not advanced, and it is failing us.

The American people have dealt with years of stagnating wages, sluggishness in labor markets, and weak growth in the economy. Businesses are fleeing our country to find more favorable conditions in other countries. We have been working for years to address these issues and to meet the needs of the 21st-century global economy.

Fortunately, we now find ourselves in a position to make good on all of these years of hard work. A big part of that is the fact that our current President is fully engaged on tax reform, unlike his most recent predecessor. So we have been focused this year on providing middle-class tax relief, reforming the business tax system, and fixing our obscenely outdated international tax regime.

The mark we are releasing today will accomplish all of these goals and more. It will reduce individual rates across the board and direct substantial relief to low- and middle-income families and workers. It will bring down corporate tax rates—a goal long shared by Republicans and Democrats—and provide businesses with new opportunities for growth and expansion. It will modernize our international tax system, bringing to an end our worldwide tax regime, a relic that should have been retired many years ago. We have been laser-focused on reducing taxes for the middle class, and that is exactly what this bill will do.

Combined, these changes to our broken Tax Code in the chairman's mark will give hard-working taxpayers across the country bigger paychecks and more opportunities. They will grow our economy, raising wages and im-

proving the standard of living for all Americans. They will once again make America the best place in the world to create, grow, and keep a business—where we create more jobs and sustain a vibrant, growing economy.

I will have more to say on the specifics of the mark in the coming days. For now, I just want to give my colleagues on the Finance Committee an opportunity to share their thoughts on the steps we are taking today.

Before we get to that, I do want to acknowledge the elephants in the room. Only Republicans will be standing up today to speak in favor of the mark, and I expect we will hear some negative comments from our friends on the other side of the aisle soon enough. On that point, I will just reiterate what I have said many times in the past: Our desire from the outset of this endeavor has been to have Democrats join us in this effort.

I have personally invited my colleagues to come to the table, to share their views, and to work with us in good faith. Yet I expect that we will hear a lot about supposed process fouls in the coming days. Let me make it clear to anyone listening: As chairman of the Senate's tax writing committee, I haven't turned anyone away from the process. I haven't refused to listen to anyone's ideas or suggestions. And I continue to say, with conviction, that I am still willing to have them onboard and hope they will be willing to get onboard and join us in this effort.

A critical objective in the effort is to provide relief and support to the large swath of Americans in the middle class who have been left behind, without economic gain or opportunities for growth.

Our tax reform efforts—represented in the chairman's mark put forward today—show that we are listening to those calling out for relief. We have a historic opportunity to help, and that opportunity should not be squandered by anyone on either side of the aisle for cheap political points.

With that, I am grateful to be a member of this body and grateful to be chairman of the Senate Finance Committee, which is a very powerful and hard-working committee—both Republicans and Democrats. I am grateful to make these remarks today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the last time Congress really did the big job that is before us right now was 1986. It did quite a bit to modernize the Tax Code. That was 30 years ago. In the generation since, the Tax Code has grown out of control. Everybody knows that. It has been a dream come true for accountants and lobbyists who make their living from certain provisions of that Tax Code. But for the American taxpayer, the gigantic Tax Code is not a dream, but a nightmare for most Americans.

This has helped the powerful and the well connected, but it has hurt American workers. It has hurt American industry, and it hurts America's ability to compete with the rest of the world.

The bill unveiled today takes a giant step forward to make our Tax Code simpler, fairer, and more competitive. It catches us up with our major trading partners, who have been lowering business tax rates while we stood still, and it keeps us uncompetitive. It will give us an opportunity to export more when we are competitive in the global economy.

This bill will also help bring back jobs and create new ones. It will boost American wages by promoting economic growth and incentivizing investment.

The centerpiece of the legislation is where it ought to be—in the center of our population, middle-class America, so it has middle-class tax cuts. The average middle-class family of four would see a tax cut of more than \$1,400 and an increase in the child tax credit of \$650—above the \$1,000 that is already there per child, which would mean real help for working parents.

Nearly doubling the standard deduction means that many lower income Americans will be removed from the tax rolls completely, and the tax filing season will be much simpler for millions more.

Small businesses will also see significant tax relief from the rate reduction on the individual side but also from an innovative, new small business income tax deduction. Two-thirds of the jobs in this country are created by those very same small businesses, and we ought to give them some better equity with big C corporations.

It will provide much needed tax relief to nearly all small businesses, down to the smallest family-owned corner store and family farmer.

Our bill recognizes the importance of small businesses in our economy. After all, as I just said, they are responsible for a majority of those new jobs. The tax savings they receive could be spent on a new hire. It could be spent on giving raises to employees in those same small businesses. It could be invested in a growing company. All of this adds up to Americans seeing more “Now Hiring” signs throughout our country.

Landmark tax relief during the Kennedy and Reagan administrations grew wages, created jobs, and made the United States more competitive, so there is enough history behind what we are trying to do to know that it will accomplish the goals we are trying to accomplish.

Today, Congress has a golden opportunity to do, again, what was done in Kennedy and the Reagan years, and it has not been done for 30 years: tax cuts, tax simplification, and tax reform.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, today is a good day. We have both the House and

the Senate working on tax reform that will have a positive impact for every day, hard-working Americans. This is truly a good day.

So often when you hear us talk about tax reform, it sounds like a lot of numbers. I am not sure how excited or enamored people get with numbers, but I am the kind of guy who believes tax reform is not about numbers. Tax reform is about everyday Americans being able to keep more of their hard-earned money.

Tax reform is about families like the one I grew up in—single-parent households, working paycheck to paycheck, year in and year out, praying and hoping for something good to happen. Today is good news for those single moms and single dads out there.

It is also good news for the working-class families—dual income—making around \$75,000 a year, working every day, trying to make sure they have a little left over for dinner out.

We want to say to those folks who haven't really had a raise in a decade: We hear you. We feel your pain. We want to deliver to your American family the opportunity to see more money in each paycheck. This is good.

And for folks who are looking to start businesses, we have a Christmas surprise for you too.

We have lowered taxes on the average family about \$1,500 a year—\$100 or so a month. Here is what that means. For a family where you are in a single-parent household, you bring home about \$450 a paycheck. That could easily become an extra 10 percent per paycheck. That is a lot of money to a single-parent household.

We have also expanded the child tax credit to make sure that those folks in the middle-income brackets are able to keep more of that hard-earned money. If there is a focus on our tax reform package, it is to make sure that middle America—hard-working income earners—have a chance to see more money materialize in their paychecks.

We have also simplified the Tax Code. People say: Well, how did you do that? There are seven brackets. I understand. It is simple. Simplification means you do not have to itemize. Said differently, 9 out of 10 taxpayers will be able to use the expanded standard deduction to figure out their tax burden, as opposed to going item by item by item and understanding whether you can withdraw it or subtract it from your income.

I had the great pleasure to be a small business owner before entering Congress. Many small business owners represent the backbone of our economy. Most jobs created in the future will be created by a small business owner. We are going to lower your taxes so that you can hire more people and make long-term investments in building the greatest economy this country has known in more than a generation.

This is a good day, and we have good news.

THE PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I agree with the Senator from South Carolina. This is, indeed, a good day for the families who will benefit from this additional money in their paycheck, from the increased standard of living they will enjoy.

For those of us who want to see businesses come back home from abroad, they fled this country because we have the highest corporate tax rate in the world. When we say we want to reform that broken corporate tax rate and to bring those businesses and that money home, we join our colleagues—ranging from the Democratic leader, Senator SCHUMER, to Barack Obama in 2011, in a joint session of the U.S. Congress—in advocating for bringing that business rate down so that businesses will stay in America. They will hire Americans, and they will improve wages for all working families.

I am proud to join my fellow Finance Committee colleagues on the floor today to support our version of the Tax Cuts and Jobs Act, which was just released a few moments ago.

I congratulate Chairman HATCH for his leadership, but I am extraordinarily impressed with all the members of the Finance Committee who worked so hard together to try to get us to where we are today. We plan for lower rates.

As you heard, we increased the standard deduction, we expanded the child tax credit, and we reformed the Tax Code so that we can give Americans access to more jobs and higher wages.

Our Democratic colleagues have said they want tax reform too. I mentioned Barack Obama and CHUCK SCHUMER, our colleague from New York, who repeatedly said that we should lower the corporate rate so businesses will come home, hire Americans, and help our economy grow here. So we are all in agreement on that on a bipartisan basis, and there is room for further agreement.

I agree with the chairman of the Finance Committee, Senator HATCH. We invite our Democratic colleagues to come together and join us, particularly starting on the Finance Committee on Monday.

If what we want is more, better paying jobs—and we do—then we have to focus on lowering rates on all the job creators, including small businesses, as you have heard. The framework we have developed was designed to cut taxes for middle-class families, not millionaires. It is to help small businesses grow and create more jobs. It is to provide relief for hard-working families by increasing the standard deduction, as our colleague from South Carolina pointed out. One out of ten taxpayers will now have to itemize deductions in order to take full advantage of the law to reduce their tax burden. So it will be simpler, easier to comply with, and lower their tax rate, while enhancing the child tax credit. These reforms will make the 1,000-page Tax Code easier to understand and comply with. Our efforts will simplify what are

now pages upon pages of language that only tax lawyers and lobbyists understand.

I look forward to continuing the important discussions when the Senate Finance Committee marks up and amends this proposal starting Monday.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, it is a good day here in the Senate because today we released our tax reform legislation, and soon we hope to have a final bill on the President's desk.

When you first think about coming to Washington to serve, you dream about fixing big problems and making a real difference in people's lives. Well, today we get to make a big difference.

When I look at the Chamber, I hark back to 1986, which was the last time tax reform was actually passed through the Senate and signed into law by the President. Senator HATCH, the chairman of our committee, was a Member of the Senate at that time; Senator McCONNELL, the Republican leader; Senator GRASSLEY, whom you just heard from—they were all here to vote on that. I was here as a young staffer. At that time, I didn't have kids of my own, and today I am a grandfather. So a lot of time has passed, and tax reform is long overdue.

The whole point of this exercise is to give hope to future generations of Americans, to give them a better opportunity at a better life, to improve their standard of living and their quality of life. In order for that to happen, we need to be taking the steps here and putting policies in place that will create the conditions that are favorable to economic growth and to the creation of better paying jobs and higher wages.

Today we get to bring relief to the parents who are wondering if they will be able to afford a new car that they need to fit their growing family. Today we get to bring relief to the single mom who is wondering how she is going to pay the rent next month. As our colleague from South Carolina talked about, those parents and families who are literally living paycheck to paycheck. Today, we get to bring relief to the middle-aged couple worrying about a secure retirement, to the small business owner who doesn't know how he will meet his tax bill and still make his mortgage payment, to the family farmer who is worried that he will not be able to pass down his farm to his daughter.

The comprehensive tax reform legislation we have introduced today will provide immediate, direct relief to hard-working Americans. It will immediately increase their take-home pay. It will immediately simplify the Tax Code so that it is easier for Americans to figure out what benefits they qualify for so they don't have to spend a lot of time and money filing their taxes.

That is really just the beginning. Our bill is also going to reform the business

side of the Tax Code to give Americans access to the jobs, the wages, and the opportunities that will set them up for a secure future. We are going to make it easier for small businesses to raise wages and to hire new workers. We are going to end the outdated tax framework that is driving American companies to keep jobs and profits overseas, and we are going to make it easier for companies to invest in American jobs and American workers.

It has been a rough few years for our economy and for the American people. A lot of Americans haven't had a pay raise literally in almost a decade. But with this tax reform legislation, we can ensure that it doesn't stay that way.

The American people deserve a tax code that works for them and not against them, that grows their paychecks instead of shrinking them, that expands their opportunities instead of eliminating them, and that is exactly what we are going to give them starting today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, today is America's lucky day. And we all know what the definition of "luck" is—luck is when opportunity meets preparation. We are very lucky as a country and we are very lucky as a Senate that our majority leader, MITCH McCONNELL, was where he is and is where he is at the time he is. It was his vision a few years ago that the tax issue was going to emerge as the central issue in the growth and development of our country and that unless we met the challenges of our Tax Code, opened up opportunity for our public, and expanded opportunity for our businesses, the American people could succumb to a high-tax system without productivity.

We also got lucky because Senator McCONNELL picked a man to be chairman of this committee—ORRIN HATCH—who brought years of experience in the U.S. Senate and the compassion that ORRIN HATCH has as a Mormon and as an American to a tax code that is by no means simple—it was always complex—to make it simpler and fairer, pro-family and pro-jobs.

Let me tell you something. There are a lot of disappointed people overseas right now because those who have been picking our pockets by inverting American corporations to foreign systems because their taxes were lower than ours are out of luck. Now those people are going to be incentivized to come to America, to make investments in our country, to expand opportunities and jobs in our country. No longer will companies want to leave America; companies will invest and be more American. That is fantastic, and that is why this is a pro-jobs tax bill. It is going to create a lot of opportunity, and opportunity is what Americans want and what Americans need.

For the average American family—and let me talk about my family for a

second. I think I am pretty average. My wife and I are fortunate. We have three great children and nine great grandchildren. I was lucky enough to have worked in a small LLC—limited liability partnership—real estate brokerage company, mom-and-pop brokerage company. My wife taught in public schools. Our children went to the University of Georgia and to the public schools of our community. We saved for their education. We did everything we could to invest in hope for them in the future, and today they are all gainfully employed. They are all happy, but they are all struggling, as everybody else is, with a burdensome tax system, with less opportunity than we would like for them to have. By simplifying the tax system, by making it fairer, as we have done here, we have given more opportunity to my grandchildren, my children, and more opportunity to America.

Lastly, I want to make this point: There are only two ways to raise taxes or raise revenue. One is to charge more. That means you raise somebody's taxes. The other way to do it is to create opportunity. So people create companies and jobs because the opportunity is there. When you create opportunity and when jobs are created, revenues increase. When people do better in their jobs, their incomes go up. When companies have people who do better in their jobs, they expand. When they expand, they produce more revenue that becomes taxable. So we raise our revenue not by lowering expectations but by raising opportunity for our people and for our children.

We are very lucky as Americans today. I am very lucky to be in this U.S. Senate today. We are lucky to have had leaders in place at a time that was right to address our country's biggest challenge and do it the right way.

When I was in the Georgia Legislature, I sat next to an oldtime rural-hat politician who ran the Ways and Means Committee of the Georgia Legislature. I will never forget that one day he and I were sitting side by side as we were listening to a gentleman make a speech in the well. The gentleman in the well paused a minute to try to make a point, and he said: Ladies and gentlemen, let me tax your memory. And my old friend, the rural-hat politician, said: Damn, I wish I had thought of that.

That is the way we have done taxes in this country for a long time—just taxed people's memory, tried to look for an opportunity to tax something for us. What we are doing here is we are creating opportunity. We are raising revenue through prosperity. Americans will raise revenue for their pockets first before the country gets the revenue second.

So it is our lucky day—lucky to have good leaders, lucky to live in the greatest country on the face of this Earth. And if we do our job—if we pass this bill before the end of this year and

change the Tax Code of the United States of America to a fairer, pro-jobs, pro-family tax code—then we will have made our contribution to history at a time when it was our opportunity. I hope it will never be said that we let our country down when that opportunity was available to us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I want to echo the message of the Senator from Georgia. This is a terrific opportunity. This is a very big day. It is a big step forward on our path to restoring the economic growth that we have been waiting for all this time. I am very excited about this step forward and the remainder of the process to get this done, to get this bill signed into law.

Why do we need this? We have just lived through the weakest recovery in American history—feeble growth, stagnant wages, and a widening gap between the wealthy and the poor. That is what has been happening for years.

Some people say: Well, that is just the way it is. You just need to get used to it. That is the new normal. That is what America is about now.

That is complete nonsense. There is nothing inevitable about the American economy being weak and denying opportunity for the people we represent. It is a direct result of bad policy, failed policy that prevented us from having the recovery we would normally have after a recession.

What was that policy? Well, we saw it. It is very clear. It is not a matter of opinion, it is a matter of fact that productivity growth in America collapsed. It is a matter of fact that investment in the kinds of new plants and equipment that allow for productivity to grow collapsed. It is a fact that new business startups just dried up. People weren't able and willing to do it.

There is no mystery about why our economy was so weak for so many years. We had imposed conditions that made it impossible to have the kind of growth that is normal. Meanwhile, what was happening in the rest of the world? The rest of the world was systematically making their tax codes more competitive. The countries that we compete with around the world, in Europe and Asia, were lowering the rates they apply to business income, they were simplifying their codes, and they were moving to international systems that made it more conducive for them to generate investment into their countries, while we did nothing except let our Tax Code ossify. That is what has been happening these last many years.

What I am excited about is that this bill fixes exactly what is broken. This bill goes to exactly where the problem is and begins to turn this around. How do we do that? One of the things we do—a hallmark of this bill—is we are going to lower the cost of investing in the new plants and equipment that will

allow American workers to become more productive. More productive workers get paid more in wages; that is just a fact. That is what is going to happen as a result of this bill.

Another thing we do in this bill is we get away from this terrible policy we have that is resulting in foreign companies buying up American companies. The way we treat income earned overseas is a disaster, and we are the only country in the world that does it.

I think you could make a case that today the United States has what might very well be the least attractive tax regime in the modern world, in the industrialized world. What is really exciting about this is that we are going to move from this system to what just might be the best tax system in the industrialized world. Think about the result that is going to have. I think the result is going to be breathtaking—new investment, new businesses being launched, existing businesses growing.

Take foreign direct investment alone. If you think about it, we have a global economy. Capital can move around the world with literally the click of a mouse, and people make investment decisions based on the climate of the place in which they are thinking about investing. When we have the worst tax regime in the world, who really wants to invest here? When we have the best, how are we not going to attract investment from all around the world, including very much in the United States?

So the changes we are making are exactly the right changes for this moment. That is true in another respect, and that is, if you think about where we are in this cycle, it has taken way too long to get here, but the unemployment rate is quite low now. We are getting close to full employment. So what happens when we create the incentives for businesses to grow, to invest, for new businesses to launch, for people to invest in America—what happens when that occurs in an environment where the unemployment rate is very low? It sets up a bidding war for workers. There is no other choice. As they grow, these businesses need new employees to get the job done. They have to pay ever more because they are competing with another business down the road that also wants to grow and also wants to invest in new plants and equipment.

What we are going to do is create a bidding war for workers. That means wages are going up. When wages go up, families have more take-home pay. When they have more take-home pay, they have a higher standard of living. This is exactly how people have a chance to live the American dream, when the economy is thriving and growing at the rate that America used to take for granted. I am here to say that those days are coming back.

We have some work to do. We are not done yet by any means, but I am confident we are going to get this done and, when we do, our constituents are going to live a better life as a result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I really enjoyed listening to my colleague from Pennsylvania talking about this new tax reform plan that has just been unveiled by the Finance Committee. He is right; this is really exciting because it is an opportunity, after a lot of talk over a lot of years, to finally fix our Tax Code.

Our Tax Code is broken. It is broken in a lot of different respects, but one that he pointed out so well is the fact that we actually have jobs and investment going overseas because of our Tax Code. It is the responsibility of the people who are in this body and in the House and in the Presidency to actually fix that. No one else can do it. Workers in America, including in my home State of Ohio, are competing with one hand tied behind their back because we have a tax code that encourages other companies from foreign countries to come in and buy our companies, to take our business, to take our market share, to make it harder for U.S. workers to be able to compete and win. So I think it is way past time, frankly, for us to fix that.

People say: Well, we haven't reformed the Tax Code in 31 years and it is about time, and I agree with that. If we go back to the international part of our Tax Code that created a lot of these problems, we have to go back to John F. Kennedy, who last reformed it. That means that part of our Tax Code should qualify for AARP benefits; that is how old it is. So it is time for us to fix it, and it is really exciting to finally have the opportunity.

There are three parts of this tax reform proposal, all three of which are really important. The first is a tax cut for the middle class. Why is that important? Because right now, even with the economy that is starting to grow a little bit, what is happening? Wages are flat, so expenses are up across the board.

The biggest expense, by the way, is the one the Presiding Officer has been involved with, which is healthcare. People have seen their healthcare costs go up, as well as their premiums and their deductibles and their copays; yet their wages aren't going up, and that creates a middle-class squeeze. But it is more than healthcare. It is food. It is every day purchases. It is tuition, if you are trying to send your kid to school. Those have skyrocketed. So let's do something to actually give the family budget a little help; that is, the middle-class tax cuts that are in this proposal.

You probably saw today that the middle-class tax cut alone provides, on average, \$1,458 for every family. That is the median income family.

One of the reporters here in the hall asked me: Gosh, \$1,500 a family—why does that matter?

I said: It matters a lot if you are living paycheck to paycheck. Maybe you

are not, but a lot of people whom I represent are, and that \$1,500 will help them to be able to make ends meet and maybe begin to save a little bit for vacation or retirement or for the ability to make that car payment. So I think this is really important.

I would say, though, beyond just that important middle-class tax cut, there is something else that ought to be considered, which is, if we do this right—the way this has been laid out by the Finance Committee—what is going to happen is we are going to help to create more jobs and higher wages.

My colleague from Pennsylvania talked about this. With a relatively tight labor market, as we have more investment into these businesses, what is going to happen? Everyone says we are going to see wages go up. The Congressional Budget Office, which is a nonpartisan group, and the Joint Committee on Taxation, also a nonpartisan group, have looked at all of this. They say: Yes, there is actually going to be a benefit to workers if we do these business tax cuts, to be able to get the business rate down below the average of the other industrialized countries, rather than having the highest business rate in the entire industrialized world, which it is now, because that is going to attract more jobs and investment here and we will stop losing jobs and investment.

There are some economists who have looked at this, as well, and they agree that this is going to benefit workers. In fact, there are a couple of economic studies that show that families will get an additional \$4,000, on average, per family. Again, we are talking about middle-class families who will get the benefits that are going to come from more investment and more jobs and higher earnings that are going to happen in the business world.

So it is not just about the middle-class tax cuts, as important as they are; this is also tax reform that is going right to the bottom line. You will be able to figure it out. Go online, use the tax calculator, and figure out what it means to you. But also remember that these other reforms, in an outdated Tax Code that is just crying out for reform, are going to result in additional benefits flowing to you and your family, as well, if we do this right, and we have to do it right.

There is a study that came out recently from a firm called Ernst & Young. The study looked at what has been happening in America over the past decade or so. It said that over the last 13 years, there are 4,700 American companies that have become foreign companies because of our Tax Code that would still be American companies today if we put in place the kind of tax reform we are talking about—20 percent rate—below that average of the other industrialized countries and this international system that allows you to be more competitive—4,700 companies. Think about that.

There is other data out there that says twice as many foreigners are buy-

ing U.S. companies than U.S. companies are buying foreign companies. Why? Because of our Tax Code. It is just true.

This is something that has been happening in this country, not just in the last couple of years but really over the last couple of decades. It is time for us to catch up. America needs to get back in a leadership position, and if we do that, we are going to see more jobs and more investment coming here to this country rather than going overseas.

Finally, the third thing this does that is so important is it levels the playing field internationally. Right now we have between \$2.5 trillion and \$3 trillion of earnings—money—from American companies that are trapped overseas. Those companies aren't bringing it back. Why? Because of our Tax Code. This tax reform proposal actually says to those companies: We want that money back here. We want you to invest in America. We want you to create jobs here and expand plants and equipment; bring your intellectual property, your patents back here, and then send that export out from America. That will create jobs here, including good jobs in research and development.

That is what this proposal does as well. It levels that playing field internationally to tell the foreign companies and the foreign nations that are taking advantage of our current Tax Code: You know what, that is not going to happen anymore. That is done. We now are going to have a competitive tax code where we are encouraging money to come here to this country, and that money coming back here, invested in this country, will also raise the economic condition for the entire country. Economic growth will go up, and, again, that filters down to all of us, including every family I represent.

That is why I am excited about this. I think it is overdue. I wish we could have done this earlier, not just last year but 10 years ago or 20 years ago.

Senator HATCH is on the floor tonight, and he has been talking about this for a few decades. He has been saying that we have to fix this. He is now chairman of the Finance Committee. He can do it.

Senator MCCONNELL is going to speak in a minute. He has talked about this for a long time. We have had commissions on it. We have had bipartisan working groups—five of them—a year and a half ago on reform, and those bipartisan working groups looked at this issue. I cochaired one of those working groups on the international side. Guess what. On a bipartisan basis, we said: We have to have this lower tax rate; we have to go to this more competitive international system. Do my colleagues know who the cochair of that working group was? There was one Republican, one Democrat on all of these working groups. It was CHUCK SCHUMER from New York who is now a Democratic leader. So this has not been a partisan issue in the past, on the international side at least.

Let's figure out how we can come together and get Republican and Democratic support to be able to tell the workers of America: You are no longer going to have to compete with one hand tied behind your back. We are going to give you the tools to be able to be successful for you and your family so that you can achieve the American dream.

I am excited about this. Let's move forward. I look forward to the Finance Committee next week bringing it to the floor, and I hope we can have support on both sides of the aisle to get this done.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, the distinguished chairman of the Finance Committee is on the cusp of the accomplishment of his career. This comprehensive tax reform will make a huge difference for America. I wish to commend him for the efforts that have gotten us this far.

We have heard members of the Finance Committee speaking to the bill that has been presented to our conference. This is going to be an extraordinary accomplishment, not only for the American people but for the distinguished chairman of the Finance Committee.

The PRESIDING OFFICER (Mr. PORTMAN). The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I wish to add my words to those that have been said.

Let me begin by saying that the achievement of this tax proposal is not about anyone in this Chamber; it is about the working families who for the last 8 years have not done so well. They have either lost their jobs or their wages have been flat and their benefits have not improved or, indeed, the cost of those benefits have risen dramatically. I can say, with the Tax Cut and Jobs Act that is being introduced today, they will increase their take-home pay, they will have higher wages, and they will have a better life.

Now let's talk about how that would be. How will these working families improve?

The Presiding Officer, the Senator from Ohio, mentioned in his remarks that businesses will have money to invest. There will be competition for workers. And if there is competition for workers, then workers are paid more. They are given better benefits. What do those better benefits and better wages mean? It means they can invest more in their family, in their children's future, and that, in turn, will change their family's life for generations to come.

So on behalf of those working families, I echo Chairman HATCH, that if there is a suggestion by anyone that can make this better, I ask them to bring that suggestion forward because this is not about Republicans, this is not about Democrats, this is not about



anybody in this Chamber; it is about those working families who, for the last 8 years, have not done as well as the American dream would say they should.

On behalf of those working families, I congratulate Chairman HATCH for this job. I look forward to the passage of this bill, and I look forward to all of the benefits of this bill coming to help the families of this country and in my State of Louisiana.

Thank you.

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.

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

#### HEALTHCARE

Ms. HEITKAMP. Mr. President, I rise today to discuss a couple of pressing issues regarding our healthcare system and to ensure that Americans are aware of some critical deadlines for their health options in the marketplace.

It is that time of year. Healthcare open enrollment has started, and Americans across the country can sign up or change their healthcare plans to make sure they are getting a plan that works best for them and their families.

I have long said that the health reform law, otherwise known as ObamaCare, is not perfect, and I have been pushing since I have been here to make it work better for North Dakota families and small businesses. But there are many pieces in that healthcare law that are helpful, and I wish to make sure that Americans and North Dakotans take advantage during this open enrollment period.

Every individual and family should be able to get access to affordable, quality healthcare, and no one should have to go bankrupt to pay for healthcare for a child with a disability, a sick family member, or just an emergency that you never thought could happen. That is why I am encouraging everyone to please make sure you explore your options and sign up for healthcare coverage.

It is more important than ever that folks take advantage of this open enrollment period early because there are many changes this year that, unfortunately, make it more difficult for individuals and their families to sign up for health insurance. Even if you already have a plan, it is worth checking out healthcare plans, as these prices change from year to year.

First, open enrollment today is a month and a half shorter this year than it has been in the past. Open enrollment is from November 2—right now—until December 15. That is just 45 days. Do not wait to check this out. It is best if you go today to find out if

there is a better plan for you or if you need to secure health insurance on the marketplace.

Second, the administration has significantly reduced funding for in-person assistance, called navigators, who help individuals and families sign up for healthcare coverage. This action is leaving millions of Americans and thousands of North Dakotans without the critical help they need to understand their options and enroll in meaningful healthcare coverage.

I want to make a point here. For those of us who in the past have always had the option of getting healthcare coverage through an employer, there is always someone in that employment office, in the payroll office, or in human resources who helps you through. This is not unique in needing this assistance. It is not unique to the marketplace. It is access and information that you have through your employer, if you are getting your insurance through your employer. The idea was that the same opportunity for information should be made available in person on the marketplace, but it is not. So we have to try and fill in those gaps. Because we have these gaps, we are in many ways seeing a number of cutbacks and a number of folks not getting access to the information they need.

In fact, the Great Plains Tribal Chairmen's Health Board does not have enough funds to operate as a navigator, and they will not be able to help North Dakotans sign up for coverage as they have done in previous years. Another navigator in my State, Minot State University, has had its Federal funds cut by over 96 percent.

Since 2013 the uninsured rate in North Dakota has been reduced from 11 percent to 8 percent, in large part because of the work of these navigators. The navigator grantees in my State have provided an invaluable service by guiding families through the process of determining the best private health insurance coverage for them, as well as through traditional Medicaid and Medicaid expansion application processes. Many North Dakotans who sign up for coverage qualify for Federal assistance to help afford that coverage. So it is vitally important that they understand Medicaid, that they understand Medicaid expansion, and that they understand the tax implications of the plans they are selecting.

But even those numbers that show the decrease in uninsured in North Dakota don't tell the full story. Not only have navigators responded to daily inquiries both during and outside of the open enrollment period, but they have identified and responded to the challenges of increasing enrollment, particularly in rural and hard-to-reach areas of the State that are less likely to have access to coverage through an employer.

Slashing funding for navigators also has implications for Indian Country. The Indian Health Service has had

challenges delivering quality care to Native Americans in my State and certainly in our region. But those issues have lessened as more Native Americans have enrolled in traditional Medicaid, Medicaid expansion, and private health insurance, enabling these families to access quality, affordable healthcare to stay healthy. Thanks to the increase of third-party payments, we are no longer limited to life-or-limb care at Tribal IHS facilities in the Great Plains service area.

Adding to the turmoil of the enrollment process, the administration also announced that it is cutting off Federal funding that helps make healthcare affordable for families, known as cost sharing reduction payments. As a result, many individuals and families will see their premiums skyrocket by double digits. Due directly to this decision and the uncertainty it has injected into our healthcare system, one insurer has exited the healthcare marketplace in North Dakota and another has reduced its health insurance plan offerings, leaving many counties in my State with only one insurer for consumers to choose from. Ironically, North Dakota was one of the best covered States in terms of options and choices. That option and that source of pride has been diminished as a result of the lack of consistency with cost sharing reduction payments.

A recent report from the nonpartisan Congressional Budget Office said that if the administration stopped paying the cost sharing reduction payments, as it has now done, there would be serious consequences for individuals and families across the country. The report said families' premiums would jump about 20 percent, many families would be left without health insurance options as the lack of payment would force many insurers to leave the market, and it would also add \$194 billion to the deficit over a decade.

Despite these efforts to sabotage the marketplaces and jeopardize access to coverage for families, we have fortunately seen a surge of encouraging enrollment numbers in the first week of enrollment. But the American public deserves better, and I will do everything I can to ensure that consumers know their options, that consumers are connected with opportunities for meaningful coverage, and that they are provided certainty in the future about healthcare costs.

On November 1, I had launched a new page on my website, [heitkamp.senate.gov](http://heitkamp.senate.gov), to help provide resources and enrollment information to North Dakotans. I sincerely hope folks who are looking to buy health insurance on the marketplace in North Dakota take advantage of that website.

Access to affordable quality healthcare is a must, and I am proud to have worked with a group of Republican and Democratic Senators, led by Senators ALEXANDER and MURRAY, to reach a deal to offer some immediate

fixes to make healthcare more affordable and accessible in North Dakota and across the country. Our bill would specifically address many of the new challenges that face folks during open enrollment.

The deal we unveiled last month would provide certainty for insurers and customers by restoring the cost sharing reduction payments for 2 years and restoring Federal funding for outreach and enrollment efforts in States, including the navigator services that I talked about earlier. It incorporates an idea that I have been championing for many years, which is to create a lower cost copper plan with lower premiums and higher deductibles to increase coverage options for young, healthy families, where they aren't so much worried about the day-to-day costs of healthcare but that catastrophic event that could throw them into a lifetime of poverty.

The agreement would also provide flexibility for States to continue to explore their options to deliver the best healthcare options to their citizens. This recognizes that one size does not fit all and that we need to have more flexibility for States to experiment and to provide the kind of quality of care and the kind of care options that work best for their State.

On top of having significant bipartisan support, there is a bonus. The bonus is that CBO and the Joint Committee on Taxation estimate that enacting the legislation would reduce the deficit by \$3.8 billion without substantially changing the number of people with health insurance coverage.

Now Congress needs to pass our bill. I have long said there are good parts of the healthcare reform act and parts that need to be fixed. Our bipartisan deal is an important step to help families afford healthcare coverage so the health reform law works better for North Dakotans.

How rare is it in this body to have this many people come together to propose one piece of legislation? I know that if you put this bill on to the floor tomorrow, it would easily pass with over 60 percent of the Senate. We need to get this done. We need to get it done to ensure the American public that we are serious about responding to their concerns about healthcare but that we are also serious legislators who can, in fact, fix the problems that we have in this country.

This isn't everything that we have been working on, but it certainly is the most important and the highest priority to pass the Murray-Alexander bill. But there are other proposals to improve healthcare that I am working on. I recently introduced a bill to delay the health insurance tax for 2 years and make coverage more affordable for the 156 million consumers across the country impacted by the fee. It would also make the tax deductible moving forward, providing more certainty for families to plan into the future.

Reducing the impact of the health insurance tax—a fee that directly im-

pacts the healthcare affordability for families and small businesses—has had broad, bipartisan support. In 2015 Congress passed a 1-year delay of the fee. This delay benefited consumers, seniors, employers, State employees, and Tribes. The average premium reduction from that delay of the fee was 3 percent.

If we think about the health insurance tax and we think about the sales taxes that many States enact, many States will tell you we don't enact sales tax on the necessities of life, whether it is food or whether it is electricity. Clearly, this is a necessity of life, having this health insurance. This health insurance tax is nothing more than a regressive sales tax on premium costs, and I believe we need to find a better and more commonsense alternative.

Another commonsense bill that I have introduced to help make healthcare more affordable for middle-income families is a bill that would address what I call the current cliff problem on premium assistance that many middle-class families and seniors face when they earn above 400 percent of the Federal poverty level, putting affordable care out of reach.

Right now, those earning just a nominal sum over—\$1 over 400 percent of the Federal poverty level, which is \$47,550 for an individual and \$97,200 for a family of four—are no longer eligible for any premium support to make health insurance more affordable. This perhaps is one of those issues that I have heard more about than almost any other issue in the Affordable Care Act.

What my bill would do is to get rid of the cliff and instead insert a slope. The bill would enable more young, healthy families to be able to obtain affordable healthcare coverage while diversifying the insurance pools, and it would make sure seniors with high medical costs aren't forced to lose those hard-earned retirement savings or go without care. Smoothing out that cliff will make health insurance more affordable, will make this bill more responsive to our middle-class taxpayers and middle-class families, and will provide some certainty for these families as they look at the high cost of healthcare and insurance premiums into the future.

I also cosponsored a bill to provide stability in the insurance marketplace by making the current reinsurance program for individual health insurance market permanent. It would be similar to the successful programs used to lower premiums and spur competition in the Medicare Part D Program. This reinsurance program would provide funding to offset larger than expected insurance claims for health insurance companies participating in State and Federal insurance marketplaces, and it would encourage them to offer more plans in a greater number of markets, improving competition and driving down costs for patients and families.

It is that catastrophic cost, which is unpredictable for the actuaries, that

drives up high cost. If they know that catastrophic cost above a certain amount is subject to a reinsurance plan and those costs are shared more broadly than just within that system, the healthcare that they can provide and the insurance commissioners can secure with a reasonable rate would be greatly reduced.

Lastly, another critical program that ensures access to coverage throughout the country and in North Dakota is the Children's Health Insurance Program, or CHIP. I have to tell you, I know many, many families who, without CHIP and without their ability to find that temporary opportunity to use CHIP to insure their children, would be bankrupt today. They would have incurred healthcare bills just from a simple fall off a swing set, and they would be spending a lifetime trying to figure out how they are going to pay or they would be finding their way into the bankruptcy court.

CHIP is a program that has been used since the late 1990s, and more than 2,000 North Dakota children currently rely on it for affordable healthcare. It provides a critical bridge between Medicaid and private insurance coverage for children. We have to act fast to reauthorize CHIP and let thousands of children across the country who are on CHIP and their families know that we care about them, that we are standing up for them, and that we are not going to leave them behind.

Unfortunately, the authorization for this critical and lifesaving program expired at the end of September. Without action from Congress, some States will already run out of Federal funding before the end of the year. Some already have and require emergency funding from the Centers for Medicare and Medicaid Services to shore up their programs so that they can still provide that continuous coverage while we fail to act here in the Congress.

While my State of North Dakota is not scheduled to run out of funding until April of next year, this is not a way to administer an ongoing and critical healthcare program. We need to get this program reauthorized now before it is too late and we have unnecessarily hurt American children and have created unnecessary unpredictability for families who need and have found some incredible benefit in covering their children with this program.

The Senate Finance Committee has marked up bipartisan legislation, the Keep Kids' Insurance Dependable and Secure Act, to extend authorization for the program for 5 years. Congress needs to act now to make sure these families know their children have dependable and secure coverage. No parent and no family member should have to wonder if their children will get critical care. Put yourself in their shoes.

Since I came to the Senate in 2013, I have said there are parts of the healthcare law and the healthcare system that need improvement to make sure it is working for hard-working

North Dakotans and hard-working Americans. As I have outlined, these are some tangible, commonsense policy proposals that have strong bipartisan support, and we can, in fact, make this system better. We can, in fact, tackle this challenge of healthcare, and then we can roll up our sleeves and reduce costs and make healthcare more affordable and less costly in this country.

We can do all of that. We have a country and a group of American citizens who are counting on us to do our job to make sure that, into the future, they will have the certainty that they need, the predictability that they need, to get their healthcare coverage and to make sure that their families will never have to worry about having to file bankruptcy because a child has fallen off of a swing set.

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. PETERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE GREAT LAKES AND UNDERWATER OIL PIPELINES

Mr. PETERS. Mr. President, next to our people, the Great Lakes are unquestionably Michigan's greatest resource. They are more than an economic engine. They are more than a source of drinking water for 40 million people. They are more than a destination for tourists, boaters, and anglers from across the globe. While the Great Lakes are certainly all of those things, in Michigan, they are also a way of life. They are, quite simply, home. You cannot sit on the edge of one of our massive inland seas without feeling a sense of awe and gratitude.

Next to me is a photo of the Straits of Mackinac, a 5-mile stretch of water where Lake Michigan meets Lake Huron and where Michigan's Upper and Lower Peninsulas are connected by the Mackinac Bridge.

Unfortunately, today I cannot look out at these straits without feeling a grave concern. The Straits of Mackinac are home to powerful currents. Water, at times, flows through at a volume greater than 10 times that of Niagara Falls. The currents are also unpredictable, as they can flow in any direction and can change not only by the season or even by the day, but they can actually change by the hour.

The straits are also home to twin underwater oil pipelines that are operated by Enbridge, known as Line 5, that are now 64 years old and getting older by the day. A recent study by the University of Michigan found that the Straits of Mackinac are the absolute worst possible place for an oilspill anywhere in the entire Great Lakes Basin.

Without question, there is no way that this pipeline would have been

built today, but it is there, and we need the toughest protections and strictest accountability possible. To put these in place, I worked to pass bipartisan legislation to designate the Great Lakes as an unusually sensitive area, which requires the highest possible operating standards under Federal law.

Rigorous Federal oversight is critical, but pipeline owners and operators must do their part as well by being transparent and forthcoming.

While Enbridge assured us repeatedly that Line 5 is "as good as new," we found out in August that there are bandaid-sized gaps where protective coatings had worn completely away and exposed the bare metal underneath to the harsh underwater environment in the straits. Last month, we learned of six additional locations with damage to the protective coatings, leaving areas as big as 1 square foot of exposed bare metal at each location. Then, on October 27, 2017, just 2 weeks ago, Enbridge disclosed that its pipeline integrity department knew of the damage that it had caused to the pipeline while conducting maintenance in 2014—3 years ago.

I share the concerns that have been expressed by thousands of Michiganders who dread the worst case oilspill scenario, and I share their frustration and their anger at being misled. It is unacceptable that damage to a pipeline running through the Great Lakes could go unreported for 3 weeks, let alone 3 years.

Simply put, Enbridge does not deserve our trust, and we deserve some answers. This is why, earlier this week, I called on the Pipeline and Hazardous Materials Safety Administration to exercise its oversight role and conduct a thorough investigation—examine any potential safety or reporting violations—and assure all Michiganders of the safety and integrity of Line 5, if at all possible. I also joined Senator STABENOW in demanding answers from Enbridge's CEO to three very critical questions:

One, what are you doing to fix your broken reporting procedures?

Two, is there any other unreported damage to Line 5?

Three, how can we be certain that regulators are being fully informed by your company?

We need these answers, and we must get them.

I will never stop fighting to hold pipeline operators accountable and to keep our Great Lakes safe and clean. The Great Lakes are home, and I will do everything that I can to protect them for generations to come.

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. Without objection, it is so ordered.

#### SENATE ANTI-HARASSMENT TRAINING RESOLUTION

Ms. KLOBUCHAR. Mr. President, I want to turn to two topics today.

First, the good news is that all of the members of the Senate Rules Committee have come together on a mandatory sexual harassment training resolution that has been submitted with broad support, including from the two leaders and every member of the Rules Committee. I thank Senator GRASSLEY for his leadership, Senator SHELBY for his leadership, as well as Senators CAPITO and CORTEZ MASTO, who were a big help.

We are all too aware that sexual harassment continues in our workplaces. A recent study found that one in four women has been sexually harassed in the workplace and that three-quarters of individuals who have experienced sexual harassment at work have not reported the incidences. Civil service is actually among the top five industries with the highest sexual harassment incidences.

We know that it will not stop on its own, and we will not be complacent bystanders who expect workplace cultures to change on their own. That is why today, with a bipartisan group of 19 of our colleagues, we took a major step forward with this resolution. Once it is adopted by the full Senate, which we hope will be shortly, this resolution will simply require that all Senators and staff receive sexual harassment training, as well as on other forms of harassment, at least once every 2 years—in addition to that, 60 days after it passes.

What happens if Senators do not receive this training? The American people will know.

In one part of this bill—and I appreciate the broad support from Senator MCCONNELL, who has long been someone who has taken leadership in this area for many years, and from Senator SCHUMER, who has also taken leadership in this area—all offices will have to certify to the Secretary of the Senate that they and their employees here in Washington, as well as those working in our home States, have, in fact, taken the training and complied with the resolution. These certifications will be posted online for the public to view.

I thank Senator GRASSLEY, again, as well as Senator SHELBY. Senator GRASSLEY, the chairman of the Judiciary Committee, was the author of the Congressional Accountability Act of 1995. I want to thank as well Senators CORTEZ MASTO and CAPITO and all the members of the Rules Committee for coming together, on both sides of the aisle, on this commonsense resolution.

I urge my colleagues to support the Senate Anti-Harassment Training Resolution of 2017. There is more work to be done with regard to the reporting process, and that is something we are going to be working on in the next few weeks through the Rules Committee, but I do want to thank them.

Senator GILLIBRAND has also been working in this area, and I want to thank her. Overall, it is a good effort in which everyone came together and agreed on a plan for mandatory training.

#### VETERANS DAY

Mr. President, I will now turn to a completely different subject, and that is the subject of Veterans Day.

I rise to honor and thank our veterans, servicemembers, and their families as we celebrate our veterans on Veterans Day. These brave men and women represent the best among us. Whether you served 50 years ago or still wear the uniform today, we thank our veterans for their service and sacrifice on behalf of this great Nation.

No matter when they served, all veterans have one thing in common: a deep love of our country and a patriotism that goes beyond simply feeling pride. All veterans were willing to lay down their lives in defense of this Nation, and many continue to live the spirit of service in their communities once their time in the military is over.

Last week, I attended the change of command ceremony, where we honored outgoing MG Richard Nash for his decades of service and saw him pass the leadership torch to MG Jon Jensen, who was sworn in as the new adjutant general of Minnesota's National Guard.

As General Nash said earlier this year, "Our Minnesota National Guard and the entire state has contributed greatly in a period of history that will be looked back upon as a remarkably important time."

He continued: "We were always ready, always there."

He was right. Our servicemembers are always there for us, and, in turn, we must honor their service.

At a time marked by the volatility of our politics, our commitment to our servicemembers and veterans remains steadfast. We stand united regardless of our politics. Our veterans fought for our freedom, and we need to be there for them.

When our servicemembers put their lives on the line to serve our country, there wasn't a waiting line. When they come home to the United States of America, when they need healthcare or they need a job or they need a house, there should never be a waiting line in the United States of America.

We still have a great deal of work ahead of us to honor this commitment. Here is an example. Amie Muller of Woodbury, MN, enlisted in the Air Force in 1998. After two deployments to Balad, Iraq, where she was stationed next to one of the war's most notorious toxic burn pits, she returned home. Shortly afterward, she was diagnosed with pancreatic cancer at age 36, half the average age for this form of cancer.

When Amie passed earlier this year, she left three small children and her loving husband Brian behind. Since then, I have gotten to know and work with Brian. He has made one thing clear to me: We can't let these toxic

burn pits become another Agent Orange. So as part of Amie's legacy, we are working to create a Center of Excellence within the Department of Veterans Affairs to deal with the mounting evidence that thousands of veterans have gotten sick after being exposed to toxic substances burned in the large pits in Iraq and Afghanistan. This isn't a partisan issue, and I am very pleased to have as a cosponsor of my bill Republican colleague Senator THOM TILLIS of North Carolina. We have been working together to get this bill passed. We are very pleased it was in the National Defense Authorization Act that came out of the Senate.

While our National Guard and Reserve component members often serve with their Active-Duty counterparts on the exact same missions, they are not always ensured the same compensation and benefits for their service. When they return home, our National Guard and reservists are often denied the education and healthcare benefits they counted on during their deployments. We need to close that loophole and make sure that members deployed on the same missions who take the same risks receive the same benefits.

Just as we have made a commitment to serving our servicemembers, we have made a commitment to looking out for their families. Since September 11, 2001, the Minnesota National Guard soldiers and airmen have deployed more than 26,000 times. Actually the Red Bulls, one of our units, is one of the longest serving units in Iraq.

That service can take a toll on families—especially kids. That is why it is important for students and teachers to know which students' parents are servicemembers so they can help make special accommodations like setting up Skype during the schoolday so a young girl can talk to her dad who is serving abroad. That is what happens for students whose parents are on Active Duty in the military but not for those whose parents are in the Guard or Reserves. That makes no sense. Some say it was just an error—some say maybe not. Whatever it is, we need to fix it. I am leading bipartisan legislation to make sure our Guard and Reserve Forces and their families are treated equally.

When our veterans signed up to serve and defend our country, there wasn't a waiting line, as I noted. That is why, on this day tomorrow, we will be honoring them by telling them we believe they deserve the best.

I was reminded of that a number of years ago when I greeted one of the World War II Honor Flights that was coming back filled with veterans from Minnesota who saw, maybe for the first time or the last time, the World War II Memorial. They had gotten up incredibly early in the morning, boarded a plane, spent the day, and flew back. There were hundreds and hundreds of family members waiting for them late at night in the airport terminal with balloons and signs with their names on

them. They got off that flight on walkers and wheelchairs, and they came down to where the families were, tears running down their faces. It was an amazing sight to see.

In typical Minnesota tradition, a polka band was playing by the luggage carousel, and one of the older veterans, who I later found out was in his late eighties, asked me to dance.

I said: Well, I would love to dance. Then the band stopped playing because it was at the end.

Then he said: Oh, that is OK.

I said: I am sorry. I will have to take a rain check.

I don't know why I said that to someone his age, but that is what I said.

Then he said: That is OK. I have a great voice.

He started singing that Frankie Valli song, "You're just too good to be true. Can't take my eyes off of you," and he danced me around and around that luggage carousel.

As I danced with that man, I thought to myself, this is how our veterans should be treated every day. They should be greeted with balloons and signs at the airport, and they should be dancing with their Senators by the luggage carousel.

That is the spirit we have to remember as we go forward into Veterans Day. We are reminded of the exceptional commitment and extraordinary service our democracy demands of all the brave men and women who have stepped forward to protect it. That same democracy demands that we fight for our servicemembers as they fought for us. As General Nash said, they were "always there" for us, and we must be there for them too.

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. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUNT). Without objection, it is so ordered.

#### TRIBUTE TO ALASKA NATIVE VETERANS

Mr. SULLIVAN. Mr. President, as you know, I have been coming to the Senate floor pretty much every week for month after month to highlight someone in my State whom we call the Alaskan of the Week. It is someone who does something important, either for their community or the State or the country, and oftentimes they don't get a lot of recognition. The purpose of this is to say: Look at what these people are doing for Alaska, for America, for their community.

My State is known for many things: its physical beauty, incredible hunting and fishing, adventuresome spirit, size—you don't want me going there. I have difficult conversations with my colleagues from Texas on occasion about the different sizes of our respective States, but I will not go into detail

here. These are all things we have in Alaskan space, but the thing that really makes us a great place to live is our people—strong, resilient, kind people all across our State who look out for each other, often in harsh weather conditions.

We are a patriotic State. I know everybody here claims that, and that is great. We all are.

Nowhere is the spirit of sacrifice and patriotism more apparent than in our veterans across the State. In Alaska, in Missouri—the Presiding Officer's State—we are all celebrating that, and we are going to celebrate that this weekend, going home for Veterans Day.

In Alaska, we like to talk about our veterans. We also like to talk about the fact that we have more veterans per capita than any other State in the country. So it is a very patriotic place—full of service.

In every city, village, and every community across Alaska, you will find proud veterans, many of them working tirelessly together to make sure they get the help and support that our veterans need. A lot of times that happens with the older vets—Vietnam-era vets. They come to make sure the new vets get the help they need.

To all of them: I salute your service and your sacrifice. Thank you so much for all you have done and continue to do for our country. Happy Veterans Day to all of Alaska's veterans. I can't wait to get home to celebrate in Fairbanks and Anchorage this weekend.

It is not just Veterans Day that is approaching in Alaska. This month we are also celebrating Alaska Native Heritage Month, where there is much to celebrate. Almost 20 percent of the population of our great State is Alaska Natives. This is a group of people who, generation after generation, have what I call a special patriotism.

What do I mean by that? Well, Alaska Natives serve at higher rates in the military—just like the lower 48. Native Americans have higher rates in the military than any other ethnic group in the country. This has been going on for generations—World War II, Korea, Vietnam, the Cold War, Iraq, and Afghanistan. When you think about it, it is special.

Let's face it. In the forties, fifties, sixties, and seventies, even sometimes, unfortunately, today, the Federal Government has not always treated Alaska Natives well. Yet, generation after generation, they go off to the front to fight for this country. It is truly a special kind of patriotism and a unique tribute to the Alaska Native heritage we are supporting and celebrating this month.

I thought it was fitting today to name as our Alaskan of the Week—to make it a collective tribute for all Alaska Natives who have served their country in the military, and it is thousands, to make them collectively the Alaskans of the Week as we look to celebrate Veterans Day.

Mr. President, here is a little bit of history. I know you know this, but a

lot of Americans don't. During World War II, Alaska was the only State in the Union to be invaded and occupied by the Japanese, so we had big military battles in the Aleutian Island chain of Alaska to throw off the invaders of our American territory. Thousands of Alaska Natives volunteered to protect their homeland and to defend their country overseas. Across the State, whether they were in the Alaska Territorial Guard, warriors overseas, code talkers who served with the Marines and others—they were as old as 80 and as young as 12.

This is a great story. It shows the warrior ethic. Alaska Native women, after the outbreak of World War II, originally enrolled in the Alaska Territorial Guard before they realized that women weren't allowed to enroll. In fact, the best sharpshooter in Alaska's Territorial Guard was a woman named Laura Beltz Wright of Haycock, AK.

Here is how the late, great Jerome Trigg—an Alaska Native and a marine—put it in 1968, at the height of the Vietnam war, when he was testifying in front of the U.S. Congress on a very important piece of legislation called the Alaska Native Claims Settlement Act. He was the president of the Arctic Native Brotherhood and, as I mentioned, a proud marine.

In front of a bunch of Senators, he stated as follows:

We have showed our patriotism as proudly as any Americans on earth. We have answered the call of duty with pride in serving [our country]. We answered the call in [World War] II 100 percent. Every man in every village—old and young—volunteered with the Alaska National Guard.

Remember, this was in 1968 that he was testifying. Then he said:

I have never heard of an Alaska Native burning the draft card or burning our nation's flag.

We are patriots. That service, as I mentioned, didn't end after World War II. Alaska Natives have served in every conflict—the Korean war and in droves during the Vietnam war.

I was honored to be in Southeast Alaska this past summer in a Native village called Hoonah. It is a beautiful place. There was a documentary I saw recently. It documented the classes in 1968 and 1969 in that small Native village in a film called "Hunting and War-time." It was about how almost every single male high school student in Hoonah—every one—went to go fight in Vietnam. That is incredible. It is special patriotism.

Let me tell you a quick, more up-to-date story. We had the Secretary of Interior, Ryan Zinke—a combat vet, a Navy SEAL, a heroic man himself—come to Alaska this summer. I asked him to meet with a bunch of Alaska Native veterans, particularly our Vietnam veterans, who had an issue that the Department of Interior has been working on for years. I wanted him to hear about it firsthand.

It was a very touching meeting. Some in the room talked about what it

was like to be in their villages—places they had never left—when they were 17 and 18 and 19. Then, a few days later, they were in a steamy jungle, thousands and thousands of miles away, in Vietnam. Some talked about what it was like coming back and not feeling that they had the support of their country, others talked about the difficulty of readjusting to life back in Alaska after their service in Vietnam and some of the discrimination they received when they came back home, but even though they went through this hardship, even though they went through some of these very difficult times in the late sixties and early seventies, not one of them said they had made a mistake in serving their country. They were proud, patriotic warriors, and to this day that is what they are.

Secretary Zinke said, after he left that meeting, he began it as their Secretary of Interior, and he left as a brother in arms.

I am so honored to be able to serve these great Alaskans and to celebrate them as our Alaskans of the Week, just like I know everybody in America is going to be proud to go home and celebrate with their veterans.

Once again, for our Alaska Native veterans, thank you for all you have done for our country, and thank you for being our Alaskans of the Week.

#### ENERGY

Mr. President, I just want to come down to the floor and say a few words about a debate that has been going on in the Congress right now, and that involves the importance of more energy for the United States.

We had a hearing last week on the possibility of opening a very small portion of the Arctic National Wildlife Refuge called the 1002 area—you see it here in the picture—which would be a win-win-win for the United States. It would help create jobs, it would grow the economy, it would increase energy security, and it would also help protect the global environment and strengthen our Nation's national security. These are the two issues I want to touch on this afternoon.

We have the highest environmental standards regarding responsible resource development anywhere in the world. I was actually in charge of these standards as Alaska's commissioner of the Department of Natural Resources. I could tell you, whether it was no impact exploration—what we call that in Alaska—or specific requirements relating to our incredible species, like polar bear or caribou or mandating the best available technology, we have an over 50-year record of responsible resource development in our State.

Let me just give you one example, what we call no impact exploration. On the North Slope of Alaska, we only allow for exploration activities during the winter months. So what does that mean? Companies actually create ice roads and ice pads, where they drive along the tundra with equipment and

with drill rigs to go explore all on ice. They do that for about 4 months during the winter, then they leave. When the spring comes, there is literally zero impact on the tundra—zero impact.

Yet some of my colleagues, particularly my colleagues on the other side of the aisle, have been coming down here for weeks talking about issues with regard to Alaska and the environment and energy. With all due respect, they are using talking points that are about 40 years old.

When we had the hearing recently, the ranking member of the ENR Committee said nothing has changed. Well, everything has changed—the technology, the high standards. The only thing that has not changed are some of the talking points the other side has been using for the last 40 years.

Let me just give you one example. On the bill the Energy and Natural Resources Committee recently put up with regard to exploration in the 1002 area—this is all of ANWR, I believe about the size of Wyoming. This is the wilderness area of ANWR. This is the 1002 area, the coastal area of ANWR that was set aside by Congress to look at the possibility of exploring a very resource-rich area of the country. This red dot—you can barely see it—is a surface area of 2,000 acres—2,000 acres. That is what the bill would say. It would limit development of this area to 2,000 acres.

For a little perspective, Dulles airport is 12,000 acres. This would be about 10 percent of Dulles airport. That is it. That is the surface footprint. Yet my colleagues on the other side of the aisle have been coming out and talking about millions and millions of acres, so it is important that we push back.

Here is the big issue for those in Congress who want to continually shut down resource development in Alaska that they never acknowledge: When you disallow investment in Alaska, which has the highest standards in the world on the environment, you don't end up protecting the environment. You just drive capital investment, exploration, and development activities to jurisdictions in the world with little to no environmental protection—countries like Nigeria, Venezuela, Iran, Russia, many of which are our geopolitical foes.

In conclusion, what we are looking to do on the Senate floor with regard to producing more energy for this country is going to help with regard to jobs, it is going to help with regard to energy security, it is going to help with regard to national security, and, yes, it is going to help with regard to protecting the global environment because we have the highest standards in the world, and we do it right in Alaska.

If we are not doing it here, there will be activities in other countries, other jurisdictions where they don't care about the environment the way we do. So we need to move forward on this important element of the energy and natural resource bill that was introduced

today in the committee. I encourage all of my colleagues to support that bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I was listening carefully to the remarks of my friend from Alaska, and I am very much supportive of the effort to open up this small footprint in the Alaskan wilderness. It struck me that my friend from Alaska is right on point when he said the only talking points that haven't changed are the ones on the other side from 40 years ago. The advances in technology are truly impressive, and the opportunity not only for Alaska but for America to realize these natural resources is something very important to the country. I thank my friend for pointing that out.

#### 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. 373, 374, 375, 392, 393, 394, 395, 396, 440, 441, 442, 459, and 460.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Robert M. Duncan, Jr., of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years; Charles E. Peeler, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years; Bryan D. Schroder, of Alaska, to be United States Attorney for the District of Alaska for the term of four years; Scott C. Blader, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years; John R. Lausch, Jr., of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years; J. Douglas Overbey, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years; Mark A. Klaassen, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years; William C. Lamar, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years; John F. Bash, of Texas, to be United States Attorney for the Western District of Texas for the term of four years; Erin Angela Nealy Cox, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years; R. Andrew Murray, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years; Matthew G. T. Martin, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years; and

Christina E. Nolan, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. 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 Duncan, Peeler, Schroder, Blader, Lausch, Overbey, Klaassen, Lamar, Bash, Nealy Cox, Murray, Martin, and Nolan nominations en bloc?

The nominations were confirmed en bloc.

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 412.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter Hoekstra, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; 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 nomination 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 Hoekstra nomination?

The nomination was confirmed.

#### 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.



## REPUBLICAN TAX PLAN

Mr. DURBIN. Mr. President, on Monday, I was in Crystal Lake, IL, in the 6th Congressional District. I was joined by realtors and local elected officials to talk about how the GOP tax plan would hurt families in my home State of Illinois. The families in the 6th Congressional District would be hit especially hard since they are in the 12th highest district in terms of the benefit received from the State and local tax deduction—a deduction that is gutted in the Republican House tax plan.

Republicans released this plan last Thursday, have been marking it up in committee this week, with the plan to have it on the House floor next week.

It is already clear that this partisan plan does nothing more than double-down on some of the most damaging ideas from the framework congressional Republicans and the White House released in September—and the bill gets worse the closer you look.

The House Republican bill would bankroll massive tax cuts for the wealthy few and the largest corporations on the backs of hard-working families in Illinois and across the country.

The bill eliminates some of the most vital tax breaks for people in Illinois—making it so that struggling seniors no longer will be able to deduct costly out-of-pocket medical expenses and that the 1.5 million Illinoisans with Federal student loan debt will no longer be able to deduct the interest paid on those loans.

Congressional Republicans didn't stop at eliminating deductions for medical expenses and student loan interest.

Republicans want to take away one of the most valuable deductions for working families in this State—the State and local tax deduction.

Eliminating this deduction to fund a massive tax cuts for corporations and the ultrawealthy was a centerpiece of the Framework Republicans released earlier this year—a move that would raise taxes on one-third of all taxpayers.

After strong opposition within their ranks for eliminating the State and local tax deduction, the House Republican plan released last week proposes a “compromise” to obtain the support of congressional Republicans that represent States like Illinois.

This so-called compromise eliminates the tax deduction for State and local income taxes, and caps the deduction for property taxes, so instead of eliminating the deduction altogether, they just gut it. If you ask me, that is no compromise at all.

The result is still the same: middle-income families would still be double taxed when it comes to income, sales, and some property taxes—once by the Federal Government and again by the State.

This would make it more expensive for families to fund services at the local level like the local schools, police

and fire departments, and local roads and bridges.

Make no mistake, in Illinois—the State with the fifth highest number of taxpayers claiming the State and local tax deduction—would be hit especially hard. Nearly 2 million Illinoisans—roughly one-third of taxpayers in the State—claimed more than \$24 billion in State and local tax deductions in 2015 alone.

If Republicans are successful in eliminating or gutting this deduction, it will mean a tax hike for working families across Illinois.

If completely eliminated, a family of four living in a place like Crystal Lake making around \$76,000 per year would pay more than \$1,400 more in taxes each year.

And what do Republicans do with the money from raising taxes on one-third of middle-income families in Illinois? They give the ultrawealthy and the largest corporations a tax cut.

That is just plain wrong.

I urge House Republicans to oppose any tax plan that would raise taxes on middle-income families by gutting the State and local tax deduction in order to give cuts to the largest corporations and richest 1 percent.

#### TRIBUTE TO ANN CLAIRE WILLIAMS

Mr. DURBIN. Mr. President, I want to take a few minutes to thank Judge Ann Claire Williams for her extraordinary service to our country. After serving nearly two decades on the Seventh U.S. Circuit Court of Appeals in Chicago, Judge Williams announced she would be retiring from the judiciary later this year.

Ann Claire Williams is a trailblazer. She is the first African American to serve on the Seventh U.S. Circuit Court of Appeals—an accomplishment that one judge called: “the desegregation of the 7th Circuit.” This was just another in a series of firsts for Judge Williams. She was one of the first two African-American women to clerk for judges on the Seventh Circuit. In 1985, Judge Williams became the first African American woman to become a U.S. District Court judge for the Northern District of Illinois. She served as chair of the Court Administration and Case Management Committee of the United States Judicial Conference—making her the first African American chair of a Judicial Conference committee. Judge Williams also became the first African American president of the Federal Judges Association. Simply put, almost every step of her career has broken new ground.

Born in Detroit, MI, Ann Claire Williams began her career as a third grade music teacher after graduating from Wayne State University with a bachelor's degree in elementary education and master's degree from the University of Michigan in guidance and counseling. Inspired by the television show “Perry Mason” the only lawyer she

knew growing up—and a competitive spirit, Ann decided to attend law school. She chose the University of Notre Dame and the rest is history—or more appropriately, the rest of her career made history.

Judge Williams has been the recipient of numerous honors and awards. Here are just a few: Chicago Lawyer 2000 Person of the Year; the Arabella Babb Mansfield Award from the National Association of Women Lawyers; the National Bar Association's Gertrude E. Rush Award; the American Bar Association's Margaret Brent Women Lawyers of Achievement Award; Chicago Inn of Court's Joel M. Flaum Award; American Judicature Society's Edward J. Devitt Distinguished Service to Justice Award; the Black Women Lawyers' Association of Greater Chicago's Pioneer Award; the Leadership Institute for Women of Color Attorneys, Inc.'s Breaking the Glass Ceiling Award; and was recognized by Newsweek Daily Beast as one of 2012's 150 Fearless Women in the World.

Judge Williams has always been proud of breaking barriers and her history of firsts, but she doesn't want to be the last. Throughout her career, she has been committed to training young lawyers. As a founding member of the Black Women Lawyers in Chicago, Judge Williams uses her story to inspire the next generation—and makes clear through her experiences that young women today can follow the path she paved to reach the top of their fields. She also serves as chairwoman of the Just The Beginning Foundation to help guide more minority law students into the legal profession. Under Judge Williams' leadership, the organization has grown to include programs for students in high school and middle school across the country. For all her achievements, it is her commitment to the future that is truly inspiring.

Recently, Judge Williams said.

You want to be nourished by people that understand your story and your experience. But once you're nourished that means you have to go out and deal with the broader world.

Well, Judge Williams has done just that. She serves on the board of Equal Justice Works, a nonprofit dedicated to creating a just society by training lawyers committed to working in the public interest, and despite her busy schedule, she has made time to travel to Ghana, Rwanda, Liberia, and Uganda to train judges and attorneys.

Judge Williams' career is groundbreaking, and she is a role model for countless young women of color—and an inspiration to the rest of us. I am proud to call her a friend.

I want to congratulate Judge Williams on an outstanding career and thank her for all she has done—and all she will continue to do. The country is grateful for her service. I wish her and her family all the best in her next chapter.

## HONDURAS

Mr. LEAHY. Mr. President, I want to speak about a subject that many Senators are aware of and should be deeply concerned about.

As we remember, in the early morning hours of March 3, 2016, Honduras lost one of its most courageous and charismatic indigenous leaders, Berta Caceres. Ms. Caceres was the general coordinator of the National Council of Popular and Indigenous Organizations of Honduras, COPINH. She was gunned down by assassins in her home in the village of La Esperanza, Intibuca.

Berta Caceres spent her life defending indigenous rights, particularly to land and natural resources. In 2015, she won the prestigious Goldman Environmental Prize for her outstanding activism and leadership. She and COPINH had been supporting land struggles throughout western Honduras, and because of that—because she was exercising rights guaranteed by Honduran law and international law—she and the communities that she and COPINH supported were the frequent targets of death threats.

In Rio Blanco, her organization and the community of Rio Blanco were threatened repeatedly as they engaged in peaceful protests to protect the river and their way of life from the construction of the Agua Zarca hydroelectric dam by DESA, a Honduran company supported by international banks.

It was as a result of the threats she received for supporting the Rio Blanco struggle that Ms. Caceres was granted precautionary measures by the Inter-American Commission on Human Rights. However, the Honduran authorities not only failed to protect her, they vilified her and other social activists like her.

Berta Caceres was an inspiration to people around the world, and her death was a terrible loss for people everywhere. As I said in this Chamber the day after her death:

The immediate question is what President Hernandez, and his government which has too often ignored or passively condoned attacks against Honduran social activists, will do to support an independent investigation, prosecution, and punishment of those responsible for this despicable crime. And beyond that, what steps will the government take to protect the many others, including members of COPINH, who are in need of protection, and to stand up for the rights of people like Berta who risk their lives peacefully defending the environment and their livelihoods.

Not surprisingly to those who are familiar with Honduran law enforcement, the investigation of the murder got off to a bad start. Not only was the crime scene at Ms. Caceres's home tampered with, the government's first response to the killing was to attempt to falsely pin the attack on her COPINH associates. When that went nowhere, they sought to intimidate the one eyewitness to the shooting, Gustavo Castro, a Mexican citizen who had been wounded. That also failed.

Thanks to intense international pressure including from the U.S. Embassy,

eight people were eventually arrested, including one active duty army officer and low-ranking employees of DESA, the hydroelectric company. This is notable, because the assassination of Berta Caceres was only the latest of more than 100 reported killings of environmental activists in Honduras since 2010. Since her death, there have been others. Investigators for Global Witness, a widely respected human rights organization that documented those crimes, were subjected to threats and spurious accusations by Honduran officials who sought to discredit their report. As far as I am aware, no one has been brought to justice for any of those crimes, and had it not been for the international outcry, there is no reason to think that Ms. Caceres's murder would have been treated any differently.

Shortly after the murder, due to the long history of impunity for killings of journalists and social activists, Ms. Caceres's family urged the Honduran Government to permit the Inter-American Commission on Human Rights, IACHR, to send an independent team of legal experts to conduct their own investigation. Not only did the Honduran Government refuse, the Public Ministry has refused to share the bulk of the evidence with the Caceres family's legal representatives, as required by Honduran law.

The family also asked that independent forensic experts be allowed to analyze the ballistics and other evidence. The Honduran Government similarly rejected that request.

Like Ms. Caceres's family, I also called for an independent investigation and urged that the concession granted to DESA for the Agua Zarca project be abandoned. It clearly cannot coexist with the indigenous people of Rio Blanco who see it as a threat to their safety and way of life; yet while some of the international banks have withdrawn, it is 20 months since the murder of Ms. Caceres, and not only does DESA deny any responsibility, it refuses to cancel the project.

After the arrests of the eight suspects, there was hope that those who conceived of and paid for the assassination of Ms. Caceres would also be tracked down and captured, but that did not happen. For more than a year, there has been no further word from the Public Ministry about the case, except that the investigation is ongoing—a familiar refrain in Honduras where criminal investigations have a way of either never beginning, or never ending.

The U.S. Embassy also repeatedly assured me and others who inquired that the investigation was being handled professionally in accordance with the highest standards. It now appears that was uninformed, wishful thinking.

After the Honduran Government refused to permit the IACHR to investigate, Berta Caceres's family arranged for an independent team of international human rights lawyers to con-

duct their own review of the evidence. Over a period of a year, the group, consisting of five experienced lawyers from the United States, Colombia, and Guatemala, known as the International Advisory Group of Experts, GAIPE, interviewed witnesses and analyzed what cell phone data and other evidence they could obtain from the Public Ministry. While the data they analyzed represented only a small fraction of what is known to exist, it included thousands of text messages that revealed a great deal.

There is now little doubt about the identities of at least some of the intellectual authors who conceived of and paid for the assassination of Berta Caceres; yet the Public Ministry has failed to act on this evidence, perhaps because it implicates DESA executives with ties to officials in the Honduran Government.

As I said on October 31, 2017, when GAIPE released the report of its investigation:

[t]his damning report corroborates what many have suspected—that the investigation of Berta Caceres' murder has been plagued by incompetence, attempts to stonewall and deflect blame to protect those who conceived of and paid for this plot, and a glaring lack of political will. The Public Ministry needs to fully disclose, without further delay, all testimony and electronic and ballistics evidence to the Caceres family's legal representatives and defendants' lawyers, as required by law. The Ministry also needs to ensure that every piece of evidence is properly safeguarded, and to follow the evidence wherever it leads to arrest those responsible. It is shameful that despite intense domestic and international pressure, this horrific case has languished, while those responsible have sought to derail it. And there are hundreds of other Honduran social activists and journalists who have been similarly threatened and killed, whose cases have not even prompted investigations.

It is important to note that the GAIPE report indicates that the evidence not only implicates DESA executives and employees, as well as Honduran state agents, in the surveillance, spreading of false information, and plot to assassinate of Berta Caceres; the evidence also reveals other crimes such as obstruction of justice, abuse of authority, and unlawful association. The report documents the shocking extremes to which the company was willing to go, including murder for hire, in pursuit of its financial goals.

In addition to immediately disclosing the evidence to the Caceres family and others who are entitled to it under Honduran law, the Public Ministry should act on the petition of the Caceres family's legal representatives to arrest the intellectual authors.

The Public Ministry should immediately ensure that all electronics and other evidence is adequately safeguarded to eliminate any risk of tampering. For whatever reason, much of the evidence is reportedly in the possession of the National Directorate of Investigations and Intelligence, and given the history in Honduras of evidence disappearing or being destroyed

or stolen, and witnesses being intimidated and killed, securing the evidence in this case is imperative.

The Honduran Government should take whatever steps are necessary to protect the leaders of COPINH, whose lives remain in jeopardy. The government's past responses to requests for protection have ranged from inaction to ineffective.

The Agua Zarca concession and other hydro or extractive concessions that were obtained without the consent of local people whose lives or territory would be adversely affected should be cancelled. The Honduran Government needs to substantially reform the way it reviews and grants such concessions, which have too often been the product of corrupt dealings that resulted in environmental degradation, social unrest, and violence.

The assassination of Berta Caceres, as outrageous and tragic as it was, presented the Honduran Government with an opportunity to show that justice is possible in such cases and that even people who hold positions of economic or political privilege and power can be held accountable. Instead, we have witnessed more of the same—important evidence being mishandled and possibly even ignored and withheld from those entitled to it. A partial investigation that resulted in the arrest of those who reportedly carried out the crime, followed by months of silence without identifying those who were behind it. This is not acceptable.

Over the past 2 years, President Hernandez and other top Honduran officials have traveled to Washington to lobby for Honduras's share of U.S. funding for the Plan of the Alliance for Prosperity of the Northern Triangle of Central America. Among other things, they have earnestly voiced their commitment to human rights and respect for civil society. They are going to find out that action, not words, are what matter.

Over the past 2 years, the U.S. Congress has provided a total of \$1.4 billion to support the plan, of which a significant portion is for Honduras. I supported those funds because I recognize the immense challenges that widespread poverty, corruption, drug trafficking, gang violence, and impunity pose for those countries. These problems will not be solved by building a wall along our southern border or deporting tens of thousands of Central Americans currently living in the United States.

I mention this because the assassination of Berta Caceres brings U.S. support for the plan sharply into focus. Today that support is in jeopardy.

It is why those responsible for her death and the killers of other Honduran social activists and journalists must be brought to justice.

It is why Agua Zarca and other such projects that do not have the support of the local population must be abandoned and replaced with an inclusive, transparent process that complies with

international environmental and social safeguards.

It is why the Honduran Government must cease its attempts to undermine the work of the Mission to Support the Fight against Corruption and Impunity in Honduras, MACCIH, which has begun to investigate the link between the assassination of Berta Caceres and corrupt dealings between DESA and Honduran state agents.

It is why the Honduran Government must finally take seriously its responsibility to protect the rights of journalists, human rights defenders, other social activists, COPINH, and civil society organizations that peacefully advocate for equitable economic development and access to justice.

Only then should we have confidence that the Honduran Government is a partner the United States can work with in addressing the needs and protecting the rights of the Honduran people, particularly those who have borne the brunt of official neglect, corruption, and violence for so many years.

Today any hope that the Honduran Government may have of continued U.S. assistance under the Plan of the Alliance for Prosperity will hinge in part on the outcome of the Caceres case, concrete actions that demonstrate support for the legitimate role of civil society and the independent media, and real reform of the justice system.

(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. 268, on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 269, on the motion to invoke cloture on Derek Kan, of California, to be Under Secretary of Transportation for Policy. Had I been present, I would have voted nay.●

#### VOTE EXPLANATION

Mrs. MCCASKILL. Mr. President, I was necessarily absent for vote No. 253 on October 30, 2017, on the confirmation of Trevor N. McFadden to be U.S. district judge for the District of Columbia. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 254 on October 30, 2017, on the motion to invoke cloture on the nomination of Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 255 on October 31, 2017, on the confirmation of Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 256 on October 31, 2017, on the motion to invoke cloture on the nomination of Joan Louise Larsen to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 257 on November 1, 2017, on the confirmation of Joan Louise Larsen to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 258 on November 1, 2017, on the motion to invoke cloture on the nomination of Allison H. Eid to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 259 on November 2, 2017, on the confirmation of Allison H. Eid to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 260 on November 2, 2017, on the motion to invoke cloture on the nomination of Stephanos Bibas to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 261 on November 2, 2017, on the confirmation of Stephanos Bibas to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. TESTER. Mr. President, I was necessarily absent due to a family funeral for the votes on confirmation of Executive Calendar No. 407 and the motion to invoke cloture on Executive Calendar No. 159.

On vote No. 268, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 407.

On vote No. 269, had I been present, I would have voted yea on the motion to invoke cloture on Executive Calendar No. 159.●

#### VETERANS DAY

Mr. CARDIN. Mr. President, this Saturday is Veterans Day. On this 11th day of the 11th month each year, we pause to honor and pay tribute to our veterans and the countless sacrifices they have made to serve our country. We also honor their families, who have endured extended absences and profound personal challenges as they have watched those most precious to them put themselves in harm's way. In that spirit of gratitude, I want to recognize some of Maryland's bravest and finest servicemembers who have given the last full measure of devotion to our Nation.

Sgt. Eric M. Houck, 25, died from gunshot wounds in the Peka Valley of

the Nangarhar Province in Afghanistan this past June. Sergeant Houck, who began his military career as a private and rose to the rank of sergeant in just 3 years, was an avid sports fan. His father called Eric his best friend and said that his family, particularly his two young children, were everything to him. He was only 1 month shy of returning home.

Navy PO1 Xavier Martin, age 24, died aboard the USS *Fitzgerald* during its tragic collision off the coast of Japan in June. Petty Officer Martin was an exemplary sailor and the youngest petty officer with a rank of first class aboard the USS *Fitzgerald*. He was so well-loved, more than 100 friends and family traveled from around the country and the globe to attend his funeral.

U.S. Air Force pilot and Annapolis native Eric Schultz was killed in an aircraft crash in early September. Lieutenant Colonel Schultz was a combat veteran and an exceptionally talented Air Force test pilot with more than 2,000 hours of flying. He held six degrees, including a Ph.D. in aerospace engineering, but was described by friends and family as the most humble man they have ever known. "If you met him in a social environment, you would never know he was a Ph.D. or a pilot," his father said.

Timothy Eckels and Kevin Bushell were among the sailors killed during the collision of the USS *John McCain* in August. Information System Technician 2nd Class Eckels was a graduate of Manchester Valley High School and was described as being "known for making everyone better by his presence" and a true pleasure to be around. He was just 23 years old. Electronics Technician 2nd Class Bushell was not much older, at only 26, and a talented technician for the Navy. He proudly served for 7 years.

There are many other Marylanders, many other families, who have suffered unfathomable loss and injury, and all of them deserve our collective and eternal gratitude.

They also deserve to have the many promises we have made kept. They deserve the job training, education assistance, and housing benefits they have earned. They deserve every tool and resource they need to succeed both professionally and personally once they return home. They deserve leaders who consider their sacrifice every day, not only on Veterans Day.

Let us honor our veterans in ways that are truly befitting their service: by vowing to protect the benefits they have earned. By pledging to remain grateful for their service and concerned for their needs every day, not only on this day and, perhaps most critically of all, by recommitting ourselves to the causes for which they served.

Today, I salute every man and woman who has put on a uniform and humbly thank every one of their families for braving the worst fears and the toughest challenges in service to our Nation.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

• Mr. TESTER. Mr. President, today I wish to honor the prisoners of war and those missing in action and commemorate the empty chair that was placed in Emancipation Hall this Veterans Day week.

I want to thank Montana veteran Ed Saunders for contributing his thoughts to today's CONGRESSIONAL RECORD:

The greatest tragedy befalling an American serviceman or woman is not that they may be killed or left missing-in-action: that is the greatest sacrifice on the altar of freedom.

The greatest tragedy is that America's finest in uniform may be forgotten . . . forgotten in life and in forgotten in death by the very same nation whose constitution, freedoms, and way of life, they defend.

The United States of America cannot and must not leave any serviceman or woman behind in body, in spirit, or in memory.

If we cannot bring home the revered mortal remains of those who died, who are missing, or who remain unaccounted for, then we have an enduring responsibility to ensure their memory remains forever etched in these hallowed halls.

This chair is more than a symbol. It is a memory of their service and sacrifice for this great Nation. It is a lasting reminder that we have an obligation to fulfill our promise to our Nation's veterans and their families when they return from war—and when they tragically don't.

We, as a nation, must redouble our commitment to that cause and work relentlessly every day toward fulfilling that promise.

I want to thank every servicemember in attendance, your families, the families of the fallen and missing in action, and those who remember them.

Thank you, and God Bless America. •

#### EISENHOWER MEMORIAL GROUNDBREAKING

Mr. MANCHIN. Mr. President, I ask unanimous consent that the remarks that my colleague, Senator PAT ROBERTS, made at the groundbreaking ceremony of the Eisenhower Memorial on November 2, 2017, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### REMARKS BY SENATOR ROBERTS—EISENHOWER MEMORIAL GROUNDBREAKING

Thank you, Greta, for that kind introduction. And thank you so much for your longstanding support of this project. You have been a true soldier in the Eisenhower memorial army in helping to get us here today.

I know I speak for all gathered for this memorable event, when I say it is great to be here today.

First, let us reflect for a moment about a few members of the Greatest Generation who brought us to this place today. Ted Stevens and Dan Inouye—two giants in the Senate, who authored the legislation to create the Eisenhower memorial.

When Ted and Danny started us down this path, it was both an honor and privilege for me, a new senator from Kansas, to be asked

to help memorialize our most famous Kansan, Dwight David Eisenhower.

Then there is our Chairman Emeritus, Rocco Siciliano, another WWII veteran. For over a decade, Rocco led our efforts. He did so with the qualities that made him successful in government and the private sector: integrity and inclusion.

When Rocco called me and said it was time to pass the leadership torch—and would I agree to succeed him as Chairman? I said, it would be an honor, but there was a qualification:

I called another World War II vet, a great American who fought for our country on the battlefield, in the House, in the Senate, and on the campaign trail as our Republican nominee for president, another really great Kansan, Bob Dole, who also played a key role in making the World War II Memorial a reality.

I said, "Bob, I can't do this without you." And as he has always done when his country called, he said, "Pat, Ike is my hero: I'm in."

Ladies and gentlemen, I am not sure we would be standing here today without the support of Bob Dole who stepped in as Finance Chairman of the memorial. He called all the former Presidents and Vice Presidents, and asked them to come on board. And not one of them said, "No."

We were hoping Bob could join us today, he is watching on C-Span, but please join me in thanking him for his lifelong commitment and service to our nation and to this project. Bob, thank you.

And I know we would not be standing here today without the support and vision of the Eisenhower family. Their commitment to making sure this memorial appropriately captured their grandfather, as both General and President, has ensured generations of Americans will know his legacy.

Being an Eisenhower fan is something of a tradition in the Roberts family. In 1952, when I was just fifteen years old, I was with my dad, Wes Roberts, at the Republican National Convention in Chicago. I watched Ike receive the nomination on the first ballot to be our party's candidate for President of the United States.

Later, during his inauguration, I met President Eisenhower. When he entered the room, whether you immediately saw him or not, everyone knew it—with that ruddy face and great smile. He had that special charisma.

And when I shook his hand that day, I never dreamed I would be here this day leading the effort for his memorial on the National Mall.

After all these years, Why do we "Still Like Ike?" If he had done nothing else in life, his service as Supreme Allied Commander, savior of western democracy, should earn him the respect and admiration of every human being whose life, peace and prosperity that victory made possible.

But it isn't just the magnitude of his service that we revere. It is the manner in which he served. The quiet humility. The strength and resolve. The man was so humble that upon the surrender of the German Army, his message back to Washington simply said, "Mission Accomplished."

Ike may not have coined the phrase, "speak softly and carry a big stick" but he did embody it. It was not necessary for him to raise his voice or wave his arms to project strength. Those were the tactics of his adversaries.

He spoke quietly. He did not make idle threats. Yet, when he did speak the force of his words was clear.

The story of Dwight David Eisenhower is the story of America. His ascendancy parallels America's. At the end of the 19th century, Eisenhower was still a young man in

Kansas, and America was a young democracy—isolated and protected by two vast oceans.

Over the course of his career, America matured both politically and culturally, like that young man who left Abilene, Kansas, to go to West Point.

By the time Eisenhower retired from public life, the United States was the leader of the free world and at the summit of historic prosperity and peace.

It has taken a long time for the historians to discover and figure out Eisenhower's greatness. President Eisenhower anticipated problems and averted them before they ever became a crisis. His steady hand, his quiet strategy, didn't draw attention like the administrations that followed him.

Now, six decades later, for that kind of unique leadership, he is considered one of our greatest presidents, which is why we are here today.

Like Lincoln, he came from very humble origins. He never forgot the hometown that made him, and famously said, "The proudest thing I can claim is that I am from Abilene" (June 22, 1945, Abilene, Kansas).

He saw the promise that America holds for everyone and the reciprocal responsibility to serve the country that offered him so much.

Ike's values were America's values—strength, humility, discipline, integrity.

Now, we live in an era where it can seem those things no longer matter.

But they do.

We wouldn't be where we are today without them.

We are here today to ensure Ike's place in American and world history, for his achievements both as Supreme Allied Commander Europe and as the 34th President of the United States.

When asked about his legacy, Eisenhower responded, "The United States never lost a soldier or a foot of ground in my administration. We kept the peace. People asked how it happened—by God, it didn't just happen, I'll tell you that."

We build this memorial today not only to honor a single person, but as a symbol for all generations of the greatness of America and what our values have made possible at home and abroad.

Lest anyone forget what can be achieved in the land of the free and the home of the brave, let them come here and understand what Eisenhower, and America, have done. And what they, in turn, can do for themselves and for our nation's future.

#### MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Mr. Novotny, 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. 3043. An act to modernize hydropower policy, and for other purposes.

H.R. 3705. An act to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities.

H.R. 4173. An act to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line.

#### ENROLLED BILLS SIGNED

At 2:08, 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 bills:

H.R. 194. An act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 3243. An act 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.

The enrolled bills were 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. 3043. An act to modernize hydropower policy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3705. An act to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities; to the Committee on Veterans' Affairs.

H.R. 4173. An act to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line; to the Committee on Veterans' 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-3418. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations" (31 CFR Part 515) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-3419. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Credit Union Occupancy, Planning, and Disposal of Acquired and Abandoned Premises; Incidental Powers" (RIN3133-AE54) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-3420. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office for Civil Rights, Department of Education, received in the Office of the President of the Senate on November 8, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3421. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Health Education Assistance Loan (HEAL) Program" (RIN1840-AD21) received in the Office of the President *pro tempore* of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-3422. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Buy American Act Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-3423. A communication from the Vice Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the Board's Strategic Plan for fiscal years 2018-

2022; to the Committee on Homeland Security and Governmental Affairs.

EC-3424. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Inspector General Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3425. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2016; to the Committee on the Judiciary.

EC-3426. A communication from the Deputy General Counsel, Office of Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "HUBZone and Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) Amendments" (RIN3245-AG92) received in the Office of the President of the Senate on November 8, 2016; to the Committee on Small Business and Entrepreneurship.

EC-3427. 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 "Schedule for Rating Disabilities; The Endocrine System" (RIN2900-AO44) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans' Affairs.

EC-3428. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Homeless Veterans" (RIN2900-AQ07) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans' Affairs.

EC-3429. A communication from the Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters" ((FCC 17-122) (IB Docket No. 16-408)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3430. A communication from the Acting Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Cost-of-Capital Composite Railroad Criteria" ((RIN2140-AB38) (Docket No. EP 644)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3431. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates" ((16 CFR Part 1307) (Docket No. CPSC-2014-0033)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3432. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Elimination of Main Studio Rule" ((FCC 17-137) (MB Docket No. 17-106)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3433. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting proposed legislation entitled "Coast

Guard Authorization Act for Fiscal Year 2018"; to the Committee on Commerce, Science, and Transportation.

### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-137. A resolution adopted by the Senate of the State of California relative to women's reproductive health; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION NO. 12

Whereas, January 22, 2017, marks the 44th anniversary of the United States Supreme Court's landmark decision in *Roe v. Wade*, which affirmed that every woman has a fundamental right to control her own reproductive decisions and to decide whether to end or to continue pregnancy, and is an occasion deserving of celebration; and

Whereas, *Roe v. Wade* has been the cornerstone of women's ability to control their reproductive lives, allowing every woman in the United States the right to decide when, if, and with whom to have children, and how many children to have; and

Whereas, Women's ability to control their reproductive lives has helped and facilitated their participation in the economic and social life of our nation; and

Whereas, *Roe v. Wade* has drastically reduced the maternal mortality rate for women terminating their pregnancies in the United States. In the years prior to the decision, illegal abortion accounted for approximately 17 percent of all reported deaths attributable to pregnancy and childbirth, and many women were severely injured as a result of "back alley" abortion procedures; and

Whereas, Interference with a woman's right to choose causes women to be forced into illegal and dangerous abortions, as they often were in the United States before the *Roe v. Wade* decision. Many women are forced to make these decisions today in countries where abortion is illegal and where the unsafe methods of illegal abortion lead to 13 percent of global maternal deaths annually, or eight maternal deaths every hour. Many survivors of an illegal abortion suffer serious and often permanent injuries; and

Whereas, *Roe v. Wade* continues to protect the health and freedom of women throughout the United States; and

Whereas, *Roe v. Wade* is in serious jeopardy due to President-elect Donald J. Trump's stated intention to nominate United States Supreme Court justices hostile to women's right to choose; and

Whereas, The State of California stands in strong support of every woman's fundamental right, as confirmed in *Roe v. Wade*, to make her own decisions regarding her pregnancy; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Senate urges the President of the United States and the United States Congress to express their support for a woman's fundamental right to control her own reproductive decisions, as well as their support for access to comprehensive reproductive health care, including the services provided by Planned Parenthood; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

\*Robert Behler, of Pennsylvania, to be Director of Operational Test and Evaluation, Department of Defense.

\*Thomas B. Modly, of Maryland, to be Under Secretary of the Navy.

\*James F. Geurts, of Pennsylvania, to be an Assistant Secretary of the Navy.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

\*Jonathan H. Pittman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*James Thomas Abbott, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2020.

\*Colleen Kiko, of North Dakota, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2022.

\*Ernest W. Dubester, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2019.

By Mr. GRASSLEY for the Committee on the Judiciary.

Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Brett Joseph Talley, of Alabama, to be United States District Judge for the Middle District of Alabama.

Emily Coody Marks, of Alabama, to be United States District Judge for the Middle District of Alabama.

Jeffrey Uhlman Beaverstock, of Alabama, to be United States District Judge for the Southern District of Alabama.

Holly Lou Teeter, of Kansas, to be United States District Judge for the District of Kansas.

Bobby L. Christine, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

David J. Freed, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four 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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### 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. HELLER (for himself and Mr. MANCHIN):

S. 2107. A bill to amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HATCH (for himself and Mr. WYDEN):

S. 2108. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. TESTER, Mrs. MURRAY, Ms. WARREN, Ms. BALDWIN, Mr. REED, Mrs. GILLIBRAND, Mr. BROWN, Mrs. FEINSTEIN, Ms. HIRONO, Ms. HASSAN, Ms. STABENOW, Mrs. SHAHEEN, Mr. FRANKEN, Mr. CARDIN, Mr. WHITEHOUSE, Mr. MURPHY, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MARKEY, Ms. HARRIS, Mr. COONS, Mr. SCHUMER, Mr. MENENDEZ, Mr. MERKLEY, Mr. KING, Ms. DUCKWORTH, Ms. CORTEZ MASTO, Mrs. MCCASKILL, and Mr. SCHATZ):

S. 2109. A bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 2110. A bill to amend title 38, United States Code, to provide for the non-applicability of non-Department of Veterans Affairs covenants not to compete to the appointment of certain Veterans Health Administration personnel, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DAINES:

S. 2111. A bill to amend title 38, United States Code, to modify the treatment of applications for projects to construct new State homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. ERNST (for herself and Mrs. MCCASKILL):

S. 2112. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the treatment at non-Department of Veterans Affairs facilities of veterans who are victims of military sexual assault, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PORTMAN (for himself and Ms. HIRONO):

S. 2113. A bill to amend title 41, United States Code, to improve the manner in which Federal contracts for design and construction services are awarded, to prohibit the use of reverse auctions for design and construction services procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ISAKSON (for himself, Mr. MARKEY, Mr. DAINES, Mr. FRANKEN, Mr. INHOFE, Mrs. SHAHEEN, Mrs. ERNST, Mr. KENNEDY, and Mr. ROUNDS):

S. 2114. A bill to award a Congressional Gold Medal to the 5307th Composite Unit (Provisional), commonly known as "Merrill's Marauders", in recognition of their bravery and outstanding service in the jungles of Burma during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, Mr. REED, Mrs. GILLIBRAND, and Ms. HASSAN):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

By Mr. DONNELLY (for himself and Mr. HELLER):

S. 2116. A bill to amend the Federal Deposit Insurance Act to increase the asset threshold with respect to the on-site examination of certain insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.



By Mr. NELSON (for himself and Mr. BLUMENTHAL):

S. 2117. A bill to amend title 10, United States Code, to expand eligibility for the TRICARE program to include certain veterans entitled to benefits under the Medicare program due to conditions or injuries incurred during service in the Armed Forces and to waive the Medicare part B late enrollment penalty for such veterans, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Mr. BOOZMAN, Mr. MURPHY, Mr. INHOFE, Mr. CRUZ, Mr. CORNYN, Mr. DAINES, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. UDALL, Mr. TESTER, and Mrs. GILLIBRAND):

S. Res. 326. A resolution recognizing the crew of the San Antonio Rose, B-17F, who sacrificed their lives during World War II, and honoring their memory during the week of the 75th anniversary of that tragic event; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself and Mr. HOEVEN):

S. Res. 327. A resolution designating the week of November 5 through 12, 2017, as "National Carbon Monoxide Poisoning Awareness Week"; to the Committee on the Judiciary.

By Mr. RISCH (for himself, Mrs. SHAHEEN, Mr. KENNEDY, Mr. MARKEY, Mr. RUBIO, Mr. WHITEHOUSE, Mr. INHOFE, Mr. UDALL, Mrs. ERNST, Mr. COONS, Mr. SCOTT, Mr. BOOKER, Mr. ENZI, Mr. DONNELLY, Mr. BARRASSO, Mr. CARDIN, Mr. BOOZMAN, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. VAN HOLLEN, Mr. CRAPO, Mr. WYDEN, Mr. ROUNDS, Mr. MANCHIN, Mr. PORTMAN, Ms. CANTWELL, Mr. LANKFORD, Mr. CASEY, Mr. ISAKSON, Mr. KING, Mr. CASSIDY, Mr. MENENDEZ, Ms. COLLINS, Mr. TESTER, Mr. DAINES, Ms. HEITKAMP, Mr. GRASSLEY, Mrs. MURRAY, Mr. TILLIS, Ms. HASSAN, Mr. YOUNG, Ms. KLOBUCHAR, Mr. HOEVEN, Ms. HIRONO, Mr. THUNE, Mr. MERKLEY, Mr. JOHNSON, Mr. DURBIN, Mr. GRAHAM, Ms. CORTEZ MASTO, Mrs. CAPITO, Mr. ALEXANDER, Mr. COCHRAN, Mr. ROBERTS, Ms. MURKOWSKI, and Ms. WARREN):

S. Res. 328. A resolution recognizing November 25, 2017, as "Small Business Saturday" and supporting the efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses; considered and agreed to.

By Ms. WARREN (for herself, Mr. GRASSLEY, and Ms. HASSAN):

S. Res. 329. A resolution expressing support for the designation of October 2017 as "National Audiology Awareness Month"; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. SHELBY, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. ALEXANDER, Mr. UDALL, Mr. ROBERTS, Mr. WARNER, Mr. BLUNT, Mr. LEAHY, Mr. CRUZ, Mr. KING, Mr. WICKER, and Mrs. FISCHER):

S. Res. 330. A resolution mandating anti-harassment training for Senators and officers, employees, and interns of, and detailees to the Senate; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 121

At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 121, a bill to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, and for other purposes.

S. 403

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 793

At the request of Mr. BOOKER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 925

At the request of Mrs. ERNST, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 925, a bill 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.

S. 1400

At the request of Mr. HEINRICH, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1400, a bill to amend title 18, United States Code, to enhance protections of Native American tangible cultural heritage, and for other purposes.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1589

At the request of Mr. ROBERTS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1738

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor

of S. 1738, a bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program.

S. 1753

At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 1753, a bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for loan originators transitioning between employers, and for other purposes.

S. 1829

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1829, a bill to amend title V of the Social Security Act to extend the Maternal, Infant, and Early Childhood Home Visiting Program.

S. 1838

At the request of Ms. WARREN, the name of the Senator from Michigan (Ms. STABENOW) 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. 1871

At the request of Mr. CASSIDY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1871, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 1936

At the request of Mr. COTTON, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1936, a bill 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, and for other purposes.

S. 2022

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2022, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for reciprocal marketing approval of certain drugs, biological products, and devices that are authorized to be lawfully marketed abroad, and for other purposes.

S. 2044

At the request of Mr. BLUMENTHAL, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2044, a bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

S. 2045

At the request of Mr. BLUMENTHAL, the names of the Senator from Delaware (Mr. COONS), the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2045, a bill to establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

S. 2073

At the request of Mr. BENNET, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2073, a bill to establish a vegetation management pilot program on National Forest System land to better protect utility infrastructure from passing wildfire, and for other purposes.

S. 2095

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of 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.

S. RES. 319

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 319, a resolution supporting the goals, activities, and ideals of Prematurity Awareness Month.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, Mr. REED, Mrs. GILLIBRAND, and Ms. HASSAN):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, as Republicans consider tax proposals to disproportionately benefit corporations and the wealthy, they simultaneously fail to address revenue-draining loopholes that compel hardworking taxpayers to subsidize corporate misconduct. Today, I am introducing commonsense legislation—the “No Tax Write-Offs for Corporate Wrongdoers Act”—to prevent the worst corporate actors from writing off their wrongdoing as simply the cost of doing business. This idea is commonsense. This idea is straightforward. This idea should be bipartisan.

Today's tax code allows corporations to deduct the cost of court-ordered punitive damages as an “ordinary” business expense. Courts reserve punitive damages for only the most egregious and reckless misconduct—misconduct that usually causes great harm to people's lives. For victims who have suffered at the hands of the worst corporate bad actors, there is nothing “ordinary” about this loophole. Punitive damage awards are designed to punish wrongdoers for the reprehensible harm

they cause—to provide a deterrence to misconduct. By giving corporations a deduction specifically for their wrongdoing, our tax code winks and nods at future wrongdoers who know that they can simply write off the damages they owe for the damage they cause.

This is not a theoretical problem. In 1994, when the Exxon Valdez spilled 11 million gallons of oil in the Prince William Sound, devastating Alaska's southern coast, it was eventually slapped with punitive damages of \$500 million. Exxon turned around and exploited this tax loophole to write off those punitive damages as an “ordinary” business expense—saving the company millions of dollars that could have—and should have—added to government revenues. In 2011, two Montana teenagers died in a car crash caused by a steering wheel defect in the Hyundai model they were driving—a defect that Hyundai knew about and recklessly ignored for over a decade. Although a judge eventually ordered Hyundai to pay \$73 million in punitive damages, Hyundai can lawfully write those damages off as a business expense. This is just wrong.

The No Tax Write-Offs for Corporate Wrongdoing Act is simple and straightforward, and would end this offensive loophole once and for all. My bill would amend the tax code to prevent the deduction of any amount “paid or incurred for punitive damages in connection with any judgment in, or settlement, any action between private parties.” Aside from bringing our tax code in line with our most basic notions of justice and fair play, my bill would save American taxpayers a significant amount of money. In 2016, the Joint Committee on Taxation estimated that ending this punitive damages loophole would increase our government revenues by nearly \$415 million over 10 years.

The Senate will be talking a lot about tax reform in the coming weeks. The Senate majority will bend over backwards—they already are—to argue how important it is that we dramatically lower tax rates to make our tax system more favorable to large corporations. Should we not also hold these same corporations accountable when they poison our environment and harm Americans? Legislation that leaves such an egregious loophole in place while giving companies massive tax cuts is not tax reform. It is a corporate tax giveaway.

It should shock the conscience to know that our law effectively compels hardworking taxpayers to subsidize the recklessness and bad behavior of the worst corporate actors. This bill would change this unacceptable status-quo. I thank Senators BLUMENTHAL, REED, GILLIBRAND, and HASSAN for cosponsoring this legislation. I urge all Senators—of all political ideologies—to support the No Tax Write-Offs for Corporate Wrongdoing Act. Protecting our constituents from corporate misconduct is not a political or partisan issue. It is our job.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 326—RECOGNIZING THE CREW OF THE SAN ANTONIO ROSE, B-17F, WHO SACRIFICED THEIR LIVES DURING WORLD WAR II, AND HONORING THEIR MEMORY DURING THE WEEK OF THE 75TH ANNIVERSARY OF THAT TRAGIC EVENT

Mr. BLUMENTHAL (for himself, Mr. BOOZMAN, Mr. MURPHY, Mr. INHOFE, Mr. CRUZ, Mr. CORNYN, Mr. DAINES, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. UDALL, Mr. TESTER, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 326

Whereas, in 1943, the ongoing fighting against the Japanese in the Pacific during World War II was treacherous, a decisive outcome hung in the balance, and every victory against the Japanese contributed to the ultimate success in the region;

Whereas, on January 5, 1943, six B-17s of the 43rd Bombardment Group and six B-24s of the 90th Bombardment Group left from Port Moresby, New Guinea, to bomb shipping at Rabaul, New Britain, to break up a major Japanese reinforcement convoy;

Whereas, with the San Antonio Rose, B-17F (No. 41-24458), in the lead, the twelve bombers of the anti-shipping strike proceeded to Rabaul splitting the formation to target shipping in Blanche Bay, Simpson Harbor, Keravina Bay, and Vunapope;

Whereas the American attack surprised the Japanese, and they did not fire anti-aircraft artillery until after the American bombs had been successfully dropped on their targets;

Whereas, when bombers rejoined formation, the San Antonio Rose was no longer in the lead and did not rejoin the formation;

Whereas the San Antonio Rose was last reported to have smoke trailing from the aircraft while being pursued by Japanese fighters into the clouds heading south just east of Vunakanau, New Britain Island, in what is now Papua New Guinea;

Whereas the San Antonio Rose was never sighted again;

Whereas the crew onboard the San Antonio Rose were declared missing in action on January 5, 1943 and subsequently declared killed in action on December 12, 1945;

Whereas the members of the crew of the San Antonio Rose included—

Pilot, Major Allen Lindberg, New York, New York

Co-Pilot, Captain Benton H. Daniel, Hollis, Oklahoma

Bombardier, 2nd Lieutenant Robert L. Hand, Fields Store, Texas

Navigator, 1st Lieutenant John W. Hanson, Missoula, Montana

Engineer, Technical Sergeant Dennis T. Craig, New York, New York

Radio, Staff Sergeant Quentin W. Blakely, Washington, District of Columbia

Gunner, Sergeant Leslie A. Stewart, East Chicago, Illinois

Gunner, Private First Class Leland W. Stone, Oakland, California

Gunner, Private First Class William G. Fraser, Jr., San Antonio, Texas

Observer, Lieutenant Colonel Jack W. Bleasdale, San Fernando, California

Observer, Brigadier General Kenneth N. Walker, Cerillos, New Mexico; and

Whereas the crew of the San Antonio Rose, including Brigadier General Kenneth N.

Walker, Medal of Honor recipient and highest ranking officer missing in action from World War II, have never been recovered and brought home to rest: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that the heroic actions and selflessness of the crew of the San Antonio Rose, B-17F (No. 41-24458), led to lessons learned that directly impacted the success of subsequent missions, including the Battle of the Bismarck Sea;

(2) commemorates the 75th anniversary of the loss of the San Antonio Rose and its crew;

(3) expresses gratitude to the Airmen who served aboard the San Antonio Rose for their faithful service; and

(4) honors the memory of the crew of the San Antonio Rose with a pledge to never forget their sacrifice by encouraging the continued search and recovery of their remains, and to fulfill the promise to finally bring them home.

#### SENATE RESOLUTION 327—DESIGNATING THE WEEK OF NOVEMBER 5 THROUGH 12, 2017, AS “NATIONAL CARBON MONOXIDE POISONING AWARENESS WEEK”

Ms. KLOBUCHAR (for herself and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 327

Whereas carbon monoxide is an odorless, colorless gas that is produced whenever any fuel, such as natural gas, propane, gasoline, oil, kerosene, wood, or charcoal, is burned;

Whereas devices that produce carbon monoxide include cars, boats, portable power generators, gasoline engines, stoves, and heating systems, and carbon monoxide produced from these sources can build up in enclosed or semi-enclosed spaces;

Whereas carbon monoxide is often referred to as the “silent killer” because it is colorless, odorless, tasteless, and non-irritating, and ignoring early stages of carbon monoxide poisoning may cause unconsciousness and continual exposure to danger;

Whereas according to the Centers for Disease Control and Prevention, each year in the United States, carbon monoxide poisoning kills more than 150 individuals and sends approximately 20,000 individuals to emergency rooms;

Whereas when people breathe in carbon monoxide, the poisonous gas enters the bloodstream and prevents adequate intake of oxygen, which can damage tissues and result in death;

Whereas, given their common preexisting medical conditions, individuals older than age 65 are particularly vulnerable to carbon monoxide poisoning;

Whereas for most individuals who suffer from carbon monoxide poisoning, the early signs of exposure to low concentrations of carbon monoxide include mild headaches and breathlessness upon moderate exercise;

Whereas sustained or increased exposure to carbon monoxide can lead to flu-like symptoms, including severe headaches, dizziness, tiredness, nausea, confusion, irritability, and impaired judgment, memory, and coordination;

Whereas breathing in low concentrations of carbon monoxide can cause long-term health damage, even after exposure to the gas ends;

Whereas most cases of carbon monoxide exposure occur during the colder months of December, January, and February, when oil and gas heaters are more heavily in use;

Whereas on January 5, 1996, the Burt family of Kimball, Minnesota, was poisoned by carbon monoxide from a malfunctioning furnace in the home of the Burt family, resulting in the deaths of 15-month-old Zachary Todd Burt and 4-year-old Nicholas Todd Burt;

Whereas according to the North Dakota Department of Health, among residents over the age of 65, carbon monoxide poisoning was the leading substance-related cause of death in North Dakota from 2009 to 2014;

Whereas the North Dakota Department of Health found that, in 2010, carbon monoxide poisoning was the second-leading cause of unintentional poisoning death among adults ages 30 through 49;

Whereas on June 7, 2015, 3 adults and 1 child in Blanchard, North Dakota, tragically passed away from carbon monoxide poisoning as the result of a carbon monoxide leak caused by an improperly vented water heater; and

Whereas increasing awareness about the dangers of carbon monoxide can help prevent poisoning and save lives: Now, therefore, be it

*Resolved*, That the Senate designates the week of November 5 through 12, 2017, as “National Carbon Monoxide Poisoning Awareness Week”.

#### SENATE RESOLUTION 328—RECOGNIZING NOVEMBER 25, 2017, AS “SMALL BUSINESS SATURDAY” AND SUPPORTING THE EFFORTS OF THE SMALL BUSINESS ADMINISTRATION TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Mr. RISCH (for himself, Mrs. SHAHEEN, Mr. KENNEDY, Mr. MARKEY, Mr. RUBIO, Mr. WHITEHOUSE, Mr. INHOFE, Mr. UDALL, Mrs. ERNST, Mr. COONS, Mr. SCOTT, Mr. BOOKER, Mr. ENZI, Mr. DONNELLY, Mr. BARRASSO, Mr. CARDIN, Mr. BOOZMAN, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. VAN HOLLEN, Mr. CRAPO, Mr. WYDEN, Mr. ROUNDS, Mr. MANCHIN, Mr. PORTMAN, Ms. CANTWELL, Mr. LANKFORD, Mr. CASEY, Mr. ISAKSON, Mr. KING, Mr. CASSIDY, Mr. MENENDEZ, Ms. COLLINS, Mr. TESTER, Mr. DAINES, Ms. HEITKAMP, Mr. GRASSLEY, Mrs. MURRAY, Mr. TILLIS, Ms. HASSAN, Mr. YOUNG, Ms. KLOBUCHAR, Mr. HOEVEN, Ms. HIRONO, Mr. THUNE, Mr. MERKLEY, Mr. JOHNSON, Mr. DURBIN, Mr. GRAHAM, Ms. CORTEZ MASTO, Mrs. CAPITO, Mr. ALEXANDER, Mr. COCHRAN, Mr. ROBERTS, Ms. MURKOWSKI, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas there are more than 29,000,000 small businesses in the United States;

Whereas small businesses represent 99.9 percent of all firms in the United States;

Whereas small businesses employ more than 47 percent of the employees in the private sector in the United States;

Whereas small businesses constitute nearly 98 percent of firms exporting goods;

Whereas small businesses pay more than 41 percent of the total payroll of the employees in the private sector in the United States;

Whereas small business generated more than 61 percent of net new jobs created between 1993 and 2016; and

Whereas November 25, 2017, is an appropriate day to recognize “Small Business Saturday”: Now, therefore, be it

*Resolved*, That the Senate joins with the Small Business Administration in—

(1) recognizing and encouraging the observance of “Small Business Saturday” on November 25, 2017; and

(2) supporting efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

#### SENATE RESOLUTION 329—EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 2017 AS “NATIONAL AUDIOLOGY AWARENESS MONTH”

Ms. WARREN (for herself, Mr. GRASSLEY, and Ms. HASSAN) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas, according to the Centers for Disease Control and Prevention, hearing loss is the third most common chronic physical condition in the United States;

Whereas the National Institute on Deafness and Other Communication Disorders and the Centers for Disease Control and Prevention have found that 24 percent of adults in the United States, or 40,000,000 individuals, may have noise-induced hearing loss in 1 or both ears;

Whereas, although the prevalence of hearing loss increases with age, approximately 40 percent of individuals with hearing loss are under the age of 60;

Whereas people frequently delay seeking assessment and treatment for their hearing loss;

Whereas audiologists are health care professionals who diagnose, treat, and manage hearing loss and balance disorders;

Whereas audiologists treat patients in many different settings, including private practice, hospitals, schools, Veterans Health Administration hospitals, and otolaryngology offices;

Whereas October 2017 would be an appropriate month to designate as “National Audiology Awareness Month”; and

Whereas there is a need for greater awareness on the part of the public regarding issues related to the hearing and balance care provided by audiologists: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 2017 as “National Audiology Awareness Month”; and

(2) recognizes the actions of audiologists, including clinicians, researchers, and others who work to improve the well-being of individuals with hearing loss and balance disorders.

#### SENATE RESOLUTION 330—MANDATING ANTI-HARASSMENT TRAINING FOR SENATORS AND OFFICERS, EMPLOYEES, AND INTERNS OF, AND DETAILEES TO THE SENATE

Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. SHELBY, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. ALEXANDER, Mr. UDALL, Mr. ROBERTS, Mr. WARNER,

Mr. BLUNT, Mr. LEAHY, Mr. CRUZ, Mr. KING, Mr. WICKER, and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 330

*Resolved,*

#### SECTION 1. SHORT TITLE.

This resolution may be cited as the “Senate Anti-Harassment Training Resolution of 2017”.

#### SEC. 2. DEFINITIONS.

In this resolution—

(1) the term “covered office” means an office, including a joint commission or joint committee, employing Senate employees;

(2) the term “covered position” means a position as—

(A) a Senate employee that is not a position as a Senate manager;

(B) an intern or fellow in a covered office—

(i) without regard to whether the intern or fellow receives compensation; and

(ii) if the intern or fellow does receive compensation, without regard to the source of compensation; or

(C) a detailee in a covered office, without regard to whether the service is on a reimbursable basis;

(3) the term “head of a covered office” means—

(A) the Senator, officer, or Senate manager having final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of the Senate employees employed by a covered office; or

(B) in the case of a covered office that is a joint committee or joint commission, the Senator from the majority party of the Senate who—

(i) is a member of, or has authority over, the committee or commission; and

(ii) (I) serves in the highest leadership role in the committee or commission; or

(II) if there is no such leadership role for a Senator on the committee or commission, is the most senior Senator on the committee or commission;

(4) the term “officer” means an elected or appointed officer of the Senate;

(5) the term “Senate employee” means an employee whose pay is disbursed by the Secretary of the Senate, without regard to the term of the appointment; and

(6) the term “Senate manager” means a Senate employee empowered to effect a significant change in the employment status of another Senate employee, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a change in benefits.

#### SEC. 3. ANTI-HARASSMENT TRAINING.

(a) **SENATORS, OFFICERS, AND SENATE MANAGERS.**—Each head of a covered office and Senate manager shall complete training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and their role in recognizing and responding to harassment and harassment complaints.

(b) **OTHER SENATE STAFF.**—Any individual serving in a covered position shall complete training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) **ENSURING ACCESS.**—The head of a covered office shall ensure that each individual serving in a covered position or as a Senate manager in the covered office has access to the training required under this section.

#### SEC. 4. TIMING.

(a) **INITIAL TRAINING.**—

(1) **IN GENERAL.**—The training required under section 3 shall be completed—

(A) for an individual elected, appointed, or assigned to a position as a Senator, officer, or Senate manager or to a covered position after the date of adoption of this resolution who was not serving in the same covered office as a Senator, officer, or Senate manager or in a covered position immediately before being so elected, appointed, or assigned, not later than 60 days after the date on which the individual assumes the position; and

(B) except as provided in paragraph (2), for an individual serving in a position as a Senator, officer, or Senate manager or in a covered position on the date of adoption of this resolution, not later than 60 days after such date of adoption.

(2) **INDIVIDUALS RECEIVING RECENT TRAINING.**—An individual serving as a Senator, officer, or Senate manager or in a covered position on the date of adoption of this resolution who completed training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) during the period beginning on the first day of the 115th Congress and ending on such date of adoption shall be deemed to have completed training under paragraph (1)(B).

(b) **PERIODIC TRAINING.**—An individual serving in a position as a Senator, officer, or Senate manager or in a covered position shall complete the training required under section 3 at least once during each Congress beginning after the Congress during which the individual completes the initial training in accordance with subsection (a).

#### SEC. 5. CERTIFICATION.

(a) **IN GENERAL.**—Not later than the last day of each Congress, each covered office shall submit to the Secretary of the Senate a certification indicating whether each Senator, officer, and Senate manager serving in a position in the covered office and each individual serving in a covered position in the covered office has completed the training requirements under this resolution during that Congress.

(b) **PUBLICATION.**—Not later than 30 days after the first day of each Congress, the Secretary of the Senate shall publish each certification submitted to the Secretary of the Senate under subsection (a) with respect to the previous Congress on the public website of the Secretary of the Senate.

#### SEC. 6. REGULATIONS OR GUIDANCE.

The Committee on Rules and Administration of the Senate is authorized to issue such regulations or guidance as it may determine necessary to carry out this resolution.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 1581. Mr. McCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 324, to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

SA 1582. Mr. McCONNELL (for Mr. DAINES) proposed an amendment to the bill S. 886, to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, and for other purposes.

SA 1583. Mr. McCONNELL (for Mrs. MCCASKILL) proposed an amendment to the bill S. 906, to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes.

### TEXT OF AMENDMENTS

**SA 1581.** Mr. McCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 324, to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “State Veterans Home Adult Day Health Care Improvement Act of 2017”.

#### SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.

(a) **IN GENERAL.**—Section 1745 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

“(d)(1) The Secretary shall enter into an agreement with each State home for payment by the Secretary for medical supervision model adult day health care provided to a veteran described in subsection (a)(1) on whose behalf the State home is not in receipt of payment for nursing home care from the Secretary.

“(2)(A) Payment under each agreement between the Secretary and a State home under paragraph (1) for each veteran who receives medical supervision model adult day health care under such agreement shall be made at a rate established through regulations prescribed by the Secretary to adequately reimburse the State home for the care provided by the State home, including necessary transportation expenses.

“(B) The Secretary shall consult with the State homes in prescribing regulations under subparagraph (A).

“(C) The rate established through regulations under subparagraph (A) shall not take effect until the date that is 30 days after the date on which those regulations are published in the Federal Register.

“(3) Payment by the Secretary under paragraph (1) to a State home for medical supervision model adult day health care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.

“(4) In this subsection, the term ‘medical supervision model adult day health care’ means adult day health care that includes the coordination of physician services, dental services, nursing services, the administration of drugs, and such other requirements as determined appropriate by the Secretary.”; and

(2) in the section heading, by inserting “, adult day health care,” after “home care”.

(b) **INITIAL RATE.**—Before the Secretary of Veterans Affairs establishes a payment rate under subsection (d)(2)(A) of section 1745 of such title, as added by subsection (a), the Secretary shall pay to a State home that has entered into an agreement with the Secretary for medical supervision model adult day health care (as defined in subsection (d)(4) of such section) an amount equal to 65 percent of the rate the Secretary would pay under subsection (a)(2) of such section to the State home for nursing home care provided to the veteran.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1745 and inserting the following new item:

“1745. Nursing home care, adult day health care, and medications for veterans with service-connected disabilities.”.

**SA 1582.** Mr. McCONNELL (for Mr. DAINES) proposed an amendment to the

bill S. 886, to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “DHS Acquisition Review Board Act of 2017”.

#### SEC. 2. ACQUISITION REVIEW BOARD.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

##### “SEC. 836. ACQUISITION REVIEW BOARD.

“(a) DEFINITIONS.—In this section:

“(1) ACQUISITION.—The term ‘acquisition’ has the meaning given the term in section 131 of title 41, United States Code.

“(2) ACQUISITION DECISION AUTHORITY.—The term ‘acquisition decision authority’ means the authority, held by the Secretary acting through the Deputy Secretary or Under Secretary for Management to—

“(A) ensure compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives;

“(B) review (including approving, pausing, modifying, or cancelling) an acquisition program through the life cycle of the program;

“(C) advocate for acquisition program managers to have the resources necessary to successfully execute an approved acquisition program;

“(D) ensure good acquisition program management of cost, schedule, risk, and system performance of the acquisition program at issue, including assessing acquisition program baseline breaches and directing any corrective action for such breaches; and

“(E) monitor, on an ongoing basis, cost, schedule, and performance of acquisition programs in order to manage risk at all phases of the life cycle of such program and direct corrective action for any variances that would lead to baseline breaches.

“(3) ACQUISITION DECISION EVENT.—The term ‘acquisition decision event’, with respect to an acquisition program, means a predetermined point within each of the acquisition phases at which the acquisition decision authority determines whether the acquisition program shall proceed to the next acquisition phase.

“(4) ACQUISITION DECISION MEMORANDUM.—The term ‘acquisition decision memorandum’, with respect to an acquisition program, means the official acquisition decision event record that includes a documented record of decisions, exit criteria, and assigned actions for the acquisition program, as determined by the person exercising acquisition decision authority for the acquisition.

“(5) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

“(6) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of such program.

“(7) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Homeland Security of the House of Representatives and the

Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) in the case of notice or a report relating to the Coast Guard, the committees described in subparagraph (A) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) in the case of notice or a report relating to the Transportation Security Administration, the committees described in subparagraph (A) and the Committee on Commerce, Science, and Transportation of the Senate.

“(8) BEST PRACTICES.—The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes—

“(A) identifying and validating needs;

“(B) assessing alternatives to select the most appropriate solution;

“(C) clearly establishing well-defined requirements;

“(D) developing realistic cost estimates and schedules;

“(E) securing stable funding that matches resources to requirements;

“(F) demonstrating technology, design, and manufacturing maturity;

“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

“(H) adopting and executing standardized processes with known success across programs;

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions;

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the mission and business operations of the Department; and

“(K) any other criteria as determined by the Under Secretary for Management.

“(9) BOARD.—The term ‘Board’ means the Acquisition Review Board required to be established under subsection (b).

“(10) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of not less than \$300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the acquisition program.

“(b) ESTABLISHMENT OF BOARD.—The Secretary shall establish an Acquisition Review Board to—

“(1) strengthen accountability and uniformity within the Department acquisition review process;

“(2) review major acquisition programs; and

“(3) review the use of best practices.

“(c) COMPOSITION.—

“(1) CHAIRPERSON.—The Under Secretary for Management shall serve as chairperson of the Board.

“(2) OTHER MEMBERS.—The Secretary shall ensure participation by other relevant Department officials, including not fewer than 2 component heads or their designees, as permanent members of the Board.

“(d) MEETINGS.—

“(1) REGULAR MEETINGS.—The Board shall meet regularly for purposes of ensuring all acquisitions programs proceed in a timely fashion to achieve mission readiness.

“(2) OTHER MEETINGS.—The Board shall convene—

“(A) at the discretion of the Secretary; and

“(B) at any time—

“(i) a major acquisition program—

“(I) requires authorization to proceed from one acquisition decision event to another throughout the acquisition life cycle;

“(II) is in breach of the approved requirements of the major acquisition program; or

“(III) requires additional review, as determined by the Under Secretary for Management; or

“(ii) a non-major acquisition program requires review, as determined by the Under Secretary for Management.

“(e) RESPONSIBILITIES.—The responsibilities of the Board are as follows:

“(1) Determine whether a proposed acquisition program has met the requirements of phases of the acquisition life cycle framework and is able to proceed to the next phase and eventual full production and deployment.

“(2) Oversee whether the business strategy, resources, management, and accountability of a proposed acquisition is executable and is aligned to strategic initiatives.

“(3) Support the person with acquisition decision authority for an acquisition program in determining the appropriate direction for the acquisition at key acquisition decision events.

“(4) Conduct reviews of acquisitions to ensure that the acquisitions are progressing in compliance with the approved documents for their current acquisition phases.

“(5) Review the acquisition program documents of each major acquisition program, including the acquisition program baseline and documentation reflecting consideration of tradeoffs among cost, schedule, and performance objectives, to ensure the reliability of underlying data.

“(6) Ensure that practices are adopted and implemented to require consideration of trade-offs among cost, schedule, and performance objectives as part of the process for developing requirements for major acquisition programs prior to the initiation of the second acquisition decision event, including, at a minimum, the following practices:

“(A) Department officials responsible for acquisition, budget, and cost estimating functions are provided with the appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities when feasible.

“(B) Full consideration is given to possible trade-offs among cost, schedule, and performance objectives for each alternative.

“(f) ACQUISITION PROGRAM BASELINE REPORT REQUIREMENT.—If the person exercising acquisition decision authority over a major acquisition program approves the major acquisition program to proceed into the planning phase before the major acquisition program has a Department-approved acquisition program baseline, as required by Department policy—

“(1) the Under Secretary for Management shall create and approve an acquisition program baseline report regarding such approval; and

“(2) the Secretary shall—

“(A) not later than 7 days after the date on which the acquisition decision memorandum is signed, provide written notice of the decision to the appropriate committees of Congress; and

“(B) not later than 60 days after the date on which the acquisition decision memorandum is signed, submit a report stating the rationale for such decision and a plan of action to require an acquisition program baseline for such program to the appropriate committees of Congress.

“(g) REPORT.—Not later than 1 year after the date of enactment of this section and every year thereafter through fiscal year 2022, the Under Secretary for Management shall provide information to the appropriate committees of Congress on the activities of the Board for the prior fiscal year that includes information relating to the following:

“(1) For each meeting of the Board, any acquisition decision memoranda.

“(2) Results of the systematic reviews conducted under subsection (e)(4).

“(3) Results of acquisition document reviews required under subsection (e)(5).

“(4) Activities to ensure that practices are adopted and implemented throughout the Department under subsection (e)(6).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 835 the following:

“Sec. 836. Acquisition Review Board.”.

**SA 1583.** Mr. MCCONNELL (for Mrs. MCCASKILL) proposed an amendment to the bill S. 906, to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Reducing DHS Acquisition Cost Growth Act”.

#### SEC. 2. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

#### “SEC. 836. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

“(a) DEFINITIONS.—In this section:

“(1) ACQUISITION.—The term ‘acquisition’ has the meaning given the term in section 131 of title 41, United States Code.

“(2) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

“(3) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which shall be met in order to accomplish the goals of the program.

“(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

“(B) in the case of notice or a report relating to the Coast Guard or the Transportation Security Administration, the committees described in subparagraph (A) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(5) BEST PRACTICES.—The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes—

“(A) identifying and validating needs;

“(B) assessing alternatives to select the most appropriate solution;

“(C) clearly establishing well-defined requirements;

“(D) developing realistic cost assessments and schedules;

“(E) securing stable funding that matches resources to requirements;

“(F) demonstrating technology, design, and manufacturing maturity;

“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

“(H) adopting and executing standardized processes with known success across programs;

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the mission and business operations of the Department.

“(6) BREACH.—The term ‘breach’, with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

“(7) COMPONENT ACQUISITION EXECUTIVE.—The term ‘Component Acquisition Executive’ means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the program.

“(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—

“(1) NOTIFICATIONS.—

“(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after the date on which the breach is identified.

“(B) NOTIFICATION TO SECRETARY.—If a breach occurs in a major acquisition program and the breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for the program, the Component Acquisition Executive for the program shall notify the Secretary and the Inspector General of the Department not later than 5 business days after the date on which the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach under subparagraph (A).

“(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

“(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Man-

agement, at a date established by the Under Secretary for Management, a remediation plan and root cause analysis relating to the breach and program.

“(B) REMEDIATION PLAN.—The remediation plan required under subparagraph (A) shall—

“(i) explain the circumstances of the breach at issue;

“(ii) provide prior cost estimating information;

“(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which the breach has occurred, including the role, if any, of—

“(I) unrealistic performance expectations;

“(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;

“(III) immature technologies or excessive manufacturing or integration risk;

“(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

“(V) changes to the scope of the program;

“(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;

“(VII) legislative, legal, or regulatory changes; or

“(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;

“(iv) propose corrective action to address cost growth, schedule delays, or performance issues;

“(v) explain the rationale for why a proposed corrective action is recommended; and

“(vi) in coordination with the Component Acquisition Executive for the program, discuss all options considered, including—

“(I) the estimated impact on cost, schedule, or performance of the program if no changes are made to current requirements;

“(II) the estimated cost of the program if requirements are modified; and

“(III) the extent to which funding from other programs will need to be reduced to cover the cost growth of the program.

“(3) REVIEW OF CORRECTIVE ACTIONS.—

“(A) IN GENERAL.—The Under Secretary for Management—

“(i) shall review each remediation plan required under paragraph (2); and

“(ii) not later than 30 days after submission of a remediation plan under paragraph (2), may approve the plan or provide an alternative proposed corrective action.

“(B) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Under Secretary for Management completes a review of a remediation plan under subparagraph (A), the Under Secretary for Management shall submit to the appropriate committees of Congress—

“(i) a copy of the remediation plan; and

“(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

“(c) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—

“(1) NOTIFICATION TO CONGRESS.—If a notification to the Secretary is made under subsection (b)(1)(B) relating to a breach in a major acquisition program, the Under Secretary for Management shall notify the appropriate committees of Congress of the breach in the next quarterly Comprehensive Acquisition Status Report, as required in the matter under the heading ‘OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT’ in title



I of division F of the Consolidated Appropriations Act of 2016 (Public Law 114–113; 129 Stat. 2493), after receipt by the Under Secretary for Management of notification under that subsection.

“(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in paragraph (1) a written certification, with supporting explanation, that—

“(A) the program is essential to the accomplishment of the mission of the Department;

“(B) there are no alternatives to the capability or asset provided by the program that will provide equal or greater capability in a more cost-effective and timely manner;

“(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

“(D) the management structure for the program is adequate to manage and control cost, schedule, and performance.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

“Sec. 836. Congressional notification and other requirements for major acquisition program breach.”.

### SEC. 3. REPORT ON BID PROTESTS.

(a) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” has the meaning given the term in section 836(a) of the Homeland Security Act of 2002, as added by section 2(a); and

(2) the term “Department” means the Department of Homeland Security.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct a study, in consultation with the Government Accountability Office when necessary, and submit to the appropriate committees of Congress a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) with respect to contracts with the Department—

(A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts and the rate of those bid protests compared to contract obligations and the number of contracts;

(B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions over the period during which the bid protest remains unresolved;

(C) a comparison of the number of bid protests and the outcome of bid protests for—

(i) awards of contracts compared to awards of task or delivery orders;

(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;

(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award;

(iv) contracts or awards with single protestors compared to multiple protestors; and

(v) contracts with single awards compared to multiple award contracts;

(D) a description of trends in the number of bid protests filed as a percentage of con-

tracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—

(i) contracts valued at more than \$300,000,000;

(ii) contracts valued at not less than \$50,000,000 and not more than \$300,000,000;

(iii) contracts valued at not less than \$10,000,000 and not more than \$50,000,000; and

(iv) contracts valued at less than \$10,000,000;

(E) an assessment of the cost and schedule impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than \$100,000,000 in annual expenditures or \$300,000,000 in lifecycle costs;

(F) an analysis of how often bid protestors are awarded the contract that was the subject of the bid protest;

(G) a summary of the results of bid protests in which the Department took unilateral corrective action, including the average time for remedial action to be completed;

(H) the time it takes the Department to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;

(I) an analysis of those contracts with respect to which a company files a bid protest and later files a subsequent bid protest; and

(J) an assessment of the overall time spent on preventing and responding to bid protests as it relates to the procurement process; and

(2) any recommendations by the Inspector General of the Department relating to the study conducted under this section.

### AUTHORITY FOR COMMITTEES TO MEET

Mr. SULLIVAN. Mr. President, I have 5 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 AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on S. 2099.

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on the following nominations: 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.

#### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, November 9, 2017 at 10 a.m. to conduct a hearing on the following nominations: Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Mis-

souri, 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.

#### 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 Thursday, November 9, 2017, at 10:30 a.m. to conduct a hearing on the nomination 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.

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 10 a.m., in room SD–226 to conduct a hearing on S. 2070 and the following nominations: 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.

### PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Martin Pipkins, a detailee on the Senate Committee on Finance, be granted floor privileges for the duration of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PETERS. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff, Sarah Anderson, for today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

### STATE VETERANS HOME ADULT DAY HEALTH CARE IMPROVEMENT ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 324 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.  
The legislative clerk read as follows:

A bill (S. 324) to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Hatch substitute amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1581) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “State Veterans Home Adult Day Health Care Improvement Act of 2017”.

#### SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.

(a) IN GENERAL.—Section 1745 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

“(d)(1) The Secretary shall enter into an agreement with each State home for payment by the Secretary for medical supervision model adult day health care provided to a veteran described in subsection (a)(1) on whose behalf the State home is not in receipt of payment for nursing home care from the Secretary.

“(2)(A) Payment under each agreement between the Secretary and a State home under paragraph (1) for each veteran who receives medical supervision model adult day health care under such agreement shall be made at a rate established through regulations prescribed by the Secretary to adequately reimburse the State home for the care provided by the State home, including necessary transportation expenses.

“(B) The Secretary shall consult with the State homes in prescribing regulations under subparagraph (A).

“(C) The rate established through regulations under subparagraph (A) shall not take effect until the date that is 30 days after the date on which those regulations are published in the Federal Register.

“(3) Payment by the Secretary under paragraph (1) to a State home for medical supervision model adult day health care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.

“(4) In this subsection, the term ‘medical supervision model adult day health care’ means adult day health care that includes the coordination of physician services, dental services, nursing services, the administration of drugs, and such other requirements as determined appropriate by the Secretary.”; and

(2) in the section heading, by inserting “, adult day health care,” after “home care”.

(b) INITIAL RATE.—Before the Secretary of Veterans Affairs establishes a payment rate under subsection (d)(2)(A) of section 1745 of such title, as added by subsection (a), the Secretary shall pay to a State home that has entered into an agreement with the Secretary for medical supervision model adult day health care (as defined in subsection

(d)(4) of such section) an amount equal to 65 percent of the rate the Secretary would pay under subsection (a)(2) of such section to the State home for nursing home care provided to the veteran.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1745 and inserting the following new item:

“1745. Nursing home care, adult day health care, and medications for veterans with service-connected disabilities.”.

The bill (S. 324), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### DHS ACQUISITION REVIEW BOARD ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 240, S. 886.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 886) to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Daines substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1582) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill (S. 886), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### REDUCING DHS ACQUISITION COST GROWTH ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 234, S. 906.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 906) to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in *italics*.)

S. 906

*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 “Reducing DHS Acquisition Cost Growth Act”.

#### SEC. 2. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

##### “SEC. 836. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

“(a) DEFINITIONS.—In this section:

“(1) ACQUISITION.—The term ‘acquisition’ has the meaning given the term in section 131 of title 41, United States Code.

“(2) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

“(3) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which shall be met in order to accomplish the goals of the program.

“(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ has the meaning given the term in section 226(a).

“(5) BEST PRACTICES.—The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes—

“(A) identifying and validating needs;

“(B) assessing alternatives to select the most appropriate solution;

“(C) clearly establishing well-defined requirements;

“(D) developing realistic cost assessments and schedules;

“(E) securing stable funding that matches resources to requirements;

“(F) demonstrating technology, design, and manufacturing maturity;

“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

“(H) adopting and executing standardized processes with known success across programs;

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the mission and business operations of the Department.

“(6) BREACH.—The term ‘breach’, with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

“(7) COMPONENT ACQUISITION EXECUTIVE.—The term ‘Component Acquisition Executive’ means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means an acquisition program of the Department that

is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the program.

**“(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—**

**“(1) NOTIFICATIONS.—**

**“(A) NOTIFICATION OF BREACH.—**If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after the date on which the breach is identified.

**“(B) NOTIFICATION TO SECRETARY.—**If a breach occurs in a major acquisition program and the breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for the program, the Component Acquisition Executive for the program shall notify the Secretary and the Inspector General of the Department not later than 5 business days after the date on which the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach under subparagraph (A).

**“(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—**

**“(A) IN GENERAL.—**If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Management, at a date established by the Under Secretary for Management, a remediation plan and root cause analysis relating to the breach and program.

**“(B) REMEDIATION PLAN.—**The remediation plan required under subparagraph (A) shall—

**“(i) explain the circumstances of the breach at issue;**

**“(ii) provide prior cost estimating information;**

**“(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which the breach has occurred, including the role, if any, of—**

**“(I) unrealistic performance expectations;**

**“(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;**

**“(III) immature technologies or excessive manufacturing or integration risk;**

**“(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;**

**“(V) changes to the scope of the program;**

**“(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;**

**“(VII) legislative, legal, or regulatory changes; or**

**“(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;**

**“(iv) propose corrective action to address cost growth, schedule delays, or performance issues;**

**“(v) explain the rationale for why a proposed corrective action is recommended; and**

**“(vi) in coordination with the Component Acquisition Executive for the program, discuss all options considered, including—**

**“(I) the estimated impact on cost, schedule, or performance of the program if no changes are made to current requirements;**

**“(II) the estimated cost of the program if requirements are modified; and**

**“(III) the extent to which funding from other programs will need to be reduced to cover the cost growth of the program.**

**“(3) REVIEW OF CORRECTIVE ACTIONS.—**

**“(A) IN GENERAL.—**The Under Secretary for Management—

**“(i) shall review each remediation plan required under paragraph (2); and**

**“(ii) not later than 30 days after submission of a remediation plan under paragraph (2), may approve the plan or provide an alternative proposed corrective action.**

**“(B) SUBMISSION TO CONGRESS.—**Not later than 30 days after the date on which the Under Secretary for Management completes a review of a remediation plan under subparagraph (A), the Under Secretary for Management shall submit to the appropriate committees of Congress—

**“(i) a copy of the remediation plan; and**

**“(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.**

**“(C) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—**

**“(1) NOTIFICATION TO CONGRESS.—**If a notification to the Secretary is made under subsection (b)(1)(B) relating to a breach in a major acquisition program, the Under Secretary for Management shall notify the appropriate committees of Congress of the breach in the next quarterly Comprehensive Acquisition Status Report, as required in the matter under the heading ‘OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT’ in title I of division F of the Consolidated Appropriations Act of 2016 (Public Law 114-113; 129 Stat. 2493), after receipt by the Under Secretary for Management of notification under that subsection.

**“(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—**If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in paragraph (1) a written certification, with supporting explanation, that—

**“(A) the program is essential to the accomplishment of the mission of the Department;**

**“(B) there are no alternatives to the capability or asset provided by the program that will provide equal or greater capability in a more cost-effective and timely manner;**

**“(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and**

**“(D) the management structure for the program is adequate to manage and control cost, schedule, and performance.”**

**(b) CLERICAL AMENDMENT.—**The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

**“Sec. 836. Congressional notification and other requirements for major acquisition program breach.”**

**SEC. 3. REPORT ON BID PROTESTS.**

**(a) DEFINITION.—**In this section, the term “Department” means the Department of Homeland Security.

**(b) STUDY AND REPORT.—**Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct a study and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.

**(c) CONTENTS.—**The report required under subsection (b) shall include—

**(1) with respect to contracts with the Department—**

**(A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts, the effectiveness of each forum for contracts and task or delivery orders, and the rate of those bid protests compared to contract obligations and the number of contracts;**

**(B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions over the period during which the bid protest remains unresolved;**

**(C) a comparison of the number of bid protests and the outcome of bid protests for—**

**(i) awards of contracts compared to awards of task or delivery orders;**

**(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;**

**(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award;**

**(iv) contracts or awards with single protestors compared to multiple protestors; and**

**(v) contracts with single awards compared to multiple award contracts;**

**(D) a description of trends in the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—**

**(i) contracts valued at more than \$300,000,000;**

**(ii) contracts valued at not less than \$50,000,000 and not more than \$300,000,000;**

**(iii) contracts valued at not less than \$10,000,000 and not more than \$50,000,000; and**

**(iv) contracts valued at less than \$10,000,000;**

**(E) an assessment of the cost and schedule impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than \$100,000,000 in annual expenditures or \$300,000,000 in lifecycle costs;**

**(F) an analysis of how often bid protestors are awarded the contract that was the subject of the bid protest;**

**(G) a summary of the results of bid protests in which the contracting Federal agencies took unilateral corrective action, including the average time for remedial action to be completed;**

**(H) the time it takes Federal agencies to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;**

**(I) an analysis of those contracts with respect to which a company files a bid protest and later files a subsequent bid protest;**

**(J) an analysis of the time spent at each phase of the procurement process attempting to prevent a bid protest, addressing a bid protest, or taking corrective action in response to a bid protest, including the efficacy of any actions attempted to prevent the occurrence of a protest; and**

**(K) with respect to a company bidding on contracts or task or delivery orders, the extent to and manner in which the bid protest process affects or may affect the decision to offer a bid or**

proposal on single award or multiple award contracts when the company is the incumbent or non-incumbent contractor; and

(2) any recommendations by the Inspector General of the Department relating to the study conducted under this section.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the committee-reported amendment be withdrawn, the McCaskill substitute amendment, which is at the desk, be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion 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 committee-reported amendment was withdrawn.

The amendment (No. 1583) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 906), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### VETERANS ACCESS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 1153 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1153) to prohibit or suspend certain health care providers from providing non-Department of Veterans Affairs health care services to veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I further 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 with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1153) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1153

*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 "Veterans Acquiring Community Care Expect Safe Services Act of 2017" or the "Veterans ACCESS Act".

#### SEC. 2. PREVENTION OF CERTAIN HEALTH CARE PROVIDERS FROM PROVIDING NON-DEPARTMENT HEALTH CARE SERVICES TO VETERANS.

(a) IN GENERAL.—On and after the date that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall deny or revoke the eligibility of a health care provider to provide non-Department health care services to veterans if

the Secretary determines that the health care provider—

(1) was removed from employment with the Department of Veterans Affairs due to conduct that violated a policy of the Department relating to the delivery of safe and appropriate health care;

(2) violated the requirements of a medical license of the health care provider;

(3) had a Department credential revoked and the grounds for such revocation impacts the ability of the health care provider to deliver safe and appropriate health care; or

(4) violated a law for which a term of imprisonment of more than one year may be imposed.

(b) PERMISSIVE ACTION.—On and after the date that is one year after the date of the enactment of this Act, the Secretary may deny, revoke, or suspend the eligibility of a health care provider to provide non-Department health care services if the Secretary has reasonable belief that such action is necessary to immediately protect the health, safety, or welfare of veterans and—

(1) the health care provider is under investigation by the medical licensing board of a State in which the health care provider is licensed or practices;

(2) the health care provider has entered into a settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider; or

(3) the Secretary otherwise determines that such action is appropriate under the circumstances.

(c) SUSPENSION.—The Secretary shall suspend the eligibility of a health care provider to provide non-Department health care services to veterans if the health care provider is suspended from serving as a health care provider of the Department.

(d) INITIAL REVIEW OF DEPARTMENT EMPLOYMENT.—Not later than one year after the date of the enactment of this Act, with respect to each health care provider providing non-Department health care services, the Secretary shall review the status of each such health care provider as an employee of the Department and the history of employment of each such health care provider with the Department to determine whether the health care provider is described in any of subsections (a) through (c).

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation by the Secretary of this section, including the following:

(1) The aggregate number of health care providers denied or suspended under this section from participation in providing non-Department health care services.

(2) An evaluation of any impact on access to health care for patients or staffing shortages in programs of the Department providing non-Department health care services.

(3) An explanation of the coordination of the Department with the medical licensing boards of States in implementing this section, the amount of involvement of such boards in such implementation, and efforts by the Department to address any concerns raised by such boards with respect to such implementation.

(4) Such recommendations as the Comptroller General considers appropriate regarding harmonizing eligibility criteria between health care providers of the Department and health care providers eligible to provide non-Department health care services.

(f) NON-DEPARTMENT HEALTH CARE SERVICES DEFINED.—In this section, the term "non-Department health care services" means services—

(1) provided under subchapter I of chapter 17 of title 38, United States Code, at non-De-

partment facilities (as defined in section 1701 of such title);

(2) provided under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note);

(3) purchased through the Medical Community Care account of the Department; or

(4) purchased with amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014.

#### ENHANCING VETERAN CARE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 1266 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1266) to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, 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 (S. 1266) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1266

*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 "Enhancing Veteran Care Act".

#### SEC. 2. INVESTIGATION OF MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may contract with a nonprofit organization that accredits health care organizations and programs in the United States to investigate a medical center of the Department of Veterans Affairs to assess and report deficiencies of the facilities at such medical center.

(b) AUTHORITY OF DIRECTORS.—

(1) IN GENERAL.—Subject to coordination under paragraph (2), the Secretary shall delegate the authority under subsection (a) to contract for an investigation at a medical center of the Department to the Director of the Veterans Integrated Service Network in which the medical center is located or the director of such medical center.

(2) COORDINATION.—Before entering into a contract under paragraph (1), the Director of a Veterans Integrated Service Network or the director of a medical center, as the case may be, shall notify the Secretary of Veterans Affairs, the Inspector General of the Department of Veterans Affairs, and the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with any other investigations that may be ongoing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which an investigation is conducted under this section; or

(2) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection conducted by the Office of the Inspector General of the Department.

#### SMALL BUSINESS SATURDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 328, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 328) recognizing November 25, 2017, as "Small Business Saturday" and supporting the efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses.

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. 328) 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 THE DESIGNATION OF "NATIONAL AUDIOLOGY AWARENESS MONTH"

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 329, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 329) expressing support for the designation of October 2017 as "National Audiology Awareness 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. 329) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### SENATE ANTI-HARASSMENT TRAINING RESOLUTION OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 330, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 330) mandating anti-harassment training for Senators and officers, employees, and interns of, and detailees to the Senate.

There being no objection, the Senate proceeded to consider the resolution.

#### SEXUAL HARASSMENT TRAINING FOR SENATORS AND STAFF

Mr. GRASSLEY. Mr. President, I join my colleague, the ranking member of the Rules Committee, as she seeks unanimous consent to adopt our antiharassment training resolution. It is closely modeled on a Senate resolution I introduced 2 days ago with Senators FEINSTEIN, KLOBUCHAR, ERNST, GILLIBRAND, and several other colleagues.

This resolution's adoption marks the first time that this Chamber requires sexual harassment training for all Senators, staff, interns, and fellows.

I wrote legislation on this topic after contacting the Rules Committee chairman last week to urge that everyone in this Chamber receive antiharassment training. This measure's passage with the Rules Committee chairman's support, just days after I called for the Rules Committee to institute a harassment training requirement for this chamber, is a sign of the wonderful things we can accomplish when we work together in a bipartisan way.

More than two decades ago, I sponsored the Congressional Accountability Act as a sign of our commitment to promoting fairness in the workplace. This 1995 statute requires Congress to follow the same civil rights, labor, workplace safety, and health laws to which other employers are subject.

It is certainly time for us to make antiharassment training mandatory, but we also may want to revisit the statute to ensure that it is working as intended. According to the Washington Post, over 1,000 former staff have contacted Congress in the last week to urge that we revisit policies relating to sexual harassment, and I am fully committed to doing so.

The resolution we have developed would ensure that the Rules Committee has the authority necessary to ensure that every Member of this Chamber, every employee on the Senate payroll, and every unpaid Senate intern receives antiharassment training.

All of us work hard to ensure that our offices are professional, free of harassment, and places where merit is rewarded, but I think we have to ac-

knowledge that in our society, despite our best efforts and intentions, sexual harassment remains a serious problem. We must work together to make sure that the Senate remains free from harassment.

It is important for every Senate office to have a consistent stance on this particular issue. Every office should receive the same training so the Senate maintains a culture in which harassment is not tolerated. This is a common interest we all share. The voters who sent us here expect the best. We owe it to the American people to hold ourselves and our employees to the highest standards of conduct and professionalism.

I will close by again thanking Senators KLOBUCHAR, FEINSTEIN, ERNST, and others for working so closely with me on the measure's development. I also want to take this opportunity to thank the staff of the Senate Chief Counsel for Employment and the Office on Compliance, who worked with our offices on draft after draft of this resolution. Finally, I want to thank our other cosponsors, including our majority leader and minority leader. I urge my colleagues to embrace a sensible approach to preventing sexual harassment by supporting its immediate adoption.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion 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. 330) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR MONDAY, NOVEMBER 13, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, November 13; 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 Kan nomination; finally, that notwithstanding the provisions of rule XXII, the cloture motions filed during today's session ripen following the disposition of the Kan nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY,  
NOVEMBER 13, 2017, AT 4 P.M.

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.

There being no objection, the Senate, at 5:48 p.m., adjourned until Monday, November 13, 2017, at 4 p.m.

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#### CONFIRMATIONS

Executive nominations confirmed by the Senate November 9, 2017:

#### DEPARTMENT OF JUSTICE

ROBERT M. DUNCAN, JR., OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

CHARLES E. PEELER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

BRYAN D. SCHRODER, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

SCOTT C. BLADER, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS.

JOHN R. LAUSCH, JR., OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

J. DOUGLAS OVERBEY, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

MARK A. KLAASSEN, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

WILLIAM C. LAMAR, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

#### DEPARTMENT OF STATE

PETER HOEKSTRA, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

#### DEPARTMENT OF JUSTICE

JOHN F. BASH, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

ERIN ANGELA NEALY COX, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

R. ANDREW MURRAY, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

MATTHEW G. T. MARTIN, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

CHRISTINA E. NOLAN, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.



## EXTENSIONS OF REMARKS

### HONORING BARBARA HIGGENS

#### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. ROSKAM. Mr. Speaker, I rise today in recognition of the long and distinguished career of Barbara C. Higgins on the occasion of her retirement. After 19 years of dedication and commitment, she is stepping down as CEO of Plumbing Manufacturers International (PMI).

Since its founding in 1998, Ms. Higgins has nurtured and grown PMI's visibility and influence within the United States and abroad. Ms. Higgins revamped the organization from her kitchen table as its first employee. She went on to hire dedicated professional staff and significantly enhanced the association's advocacy, technical, water conservation, environmental, and trade initiatives. Today, PMI is the nation's leading plumbing manufacturing trade association representing 90 percent of all the plumbing fixtures and fittings sold in the United States.

Under her leadership, PMI has grown into an advocate for water-efficient products meeting high safety and performance standards. She was instrumental in the introduction and passage of a federal nationwide law to reduce lead in plumbing products, known as the Reduction of Lead in Drinking Water Act, which was designed to safeguard all Americans.

Mr. Speaker, please join me in celebrating this special occasion and wishing Barbara Higgins every happiness in her well-deserved retirement.

### IN HONOR OF CHRIS VANDERSLICE

#### HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. HUIZENGA. Mr. Speaker, I rise today to honor Chris VanderSlice, who passed away on October 28, 2017 after a courageous four year battle with leukemia. Chris was a beloved educator and leader in the West Michigan community—whose legacy will never be forgotten.

Chris, or "Slice" as his colleagues knew him best, was a servant leader with Grandville Public Schools for nearly 18 years. His career began as a teacher at Grandville's Middle School and South Elementary. Chris was then promoted to assistant principal at Grandville High School, where he became principal in 2013.

A former Hope College basketball team captain, Chris brought his competitive spirit to the classroom and school district. He inspired a culture of "pride and excellence," that influenced both students and teachers. After only a short time as principal, Chris implemented professional learning communities to improve teaching techniques and accountability.

Following the initial diagnosis of acute lymphoblastic leukemia in 2013, the Grandville community quickly rallied to embrace the VanderSlice family. The swift response from the community is a touching testament to the character of Chris, his family, and West Michigan as a whole. Chris leaves behind a legacy of "grit and perseverance"—characteristics that will continue to inspire, encourage, and forever impact generations to come.

Mr. Speaker, Chris VanderSlice spent his life working to educate and better the students of Grandville, Michigan. It is thus fitting and proper that we honor him here today. I extend my deepest condolences to his wife Tonya, daughters Hannah and Elizabeth, and to all who knew and loved Chris.

### REMEMBERING THE LIFE OF PATRICIA BOWSER

#### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor the life of Patricia Bowser, age 67 who passed away on Monday, November 6, 2017.

Patricia was born on October 3, 1950 in Youngstown, Ohio to Stephen and Mary Ann (Svesko) Sinkovich. She was a graduate of Cardinal Mooney High School and attended Youngstown State University for college. She devoted 30 years to working with the Youngstown Board of Education with behavioral and special needs children. Patricia was also a member of the AFL-CIO executive board and was an active participant with the Democratic Party of Mahoning County. She was also an avid cat lover.

She is survived by her mother, Mary Ann Sinkovich of Struthers, Ohio; two sons, Russel Bowser and Jerred Kent Bowser, both of Youngstown; two sisters, Sue Benish of Struthers and Marianne (Keith) Burnside of Struthers; a niece, Kayla Burnside; and a nephew, Keith (Luca) Burnside. She was preceded in death by her husband, Melvin K. Bowser, whom she married in 1979, and by her father and brother.

I extend my most sincere and heartfelt condolences to Patricia's family and friends. She will be dearly missed.

### HONORING THE MONTEREY COUNTY FILM COMMISSION

#### HON. JIMMY PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. PANETTA. Mr. Speaker, I rise today on behalf of an organization that displays the unique beauty of my district around the entire world. The Monterey County Film Commission

has served my district on the central coast of California by inspiring, facilitating, and assisting in the production of media that highlights the pristine beauty, and unique culture of our community. This year, the Monterey County Film Commission celebrates its thirtieth anniversary. Since its inception, the Commission has helped attract and assist in the production of hundreds of movies, television shows, commercials, documentaries and still photography productions. Thanks to the work of the Commission, our community has benefited from over one hundred million dollars in direct financial impact in our local communities.

The Commission serves as a liaison for movie producers, government entities and local businesses. It provides substantial information about our Monterey County, and straightforward guidelines for filming procedures that facilitate the development of successful media productions. The Commission also serves our community by highlighting highly desirable Monterey County locations through domestic and international tradeshows, sales trips and direct public advertising campaigns. Beyond this, the Commission also contributes to growing the next generation of young filmmakers, and is crucial in our communities' effort to create opportunity for creative-minded young people to find success pursuing their passion.

I would also note that the Monterey Peninsula has been, and remains, home to many prominent actors including Clint Eastwood and Betty White. Clint Eastwood came to Carmel to film *Play Misty for Me*, and later become Mayor of Carmel. The Peninsula has hosted stars such as Marilyn Monroe and Barbara Stanwyck in *Clash by Night*. Over the years, the Central Coast of California has attracted over two hundred films, hundreds of television programs and countless magazine ads. Most recently, my district played home to the highly successful and critically acclaimed HBO series *Big Little Lies*, filmed on the Monterey Peninsula, largely in Monterey and Pacific Grove.

The hard work of the staff and Board of Directors of the Monterey County Film Commission continues to provide our community and our country with great films and TV shows filmed in our beautiful district. Mr. Speaker, it is my pleasure to recognize the dedication and hard work the Monterey County Film Commission has given to the Central Coast and the entire State of California. I ask my distinguished colleagues to join me in recognizing the Monterey County Film Commission as an integral part of our community.

### HONORING THE CAREER OF LIEUTENANT COLONEL KIRK WINDMUELLER

#### HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize the career of Lieutenant Colonel

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

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

Kirk Windmueller. LTC Windmueller's work ethic took him to the highest ranks of the military, serving as Deputy Chief for Combat Developments, G8, at U.S. Army Special Operations Command, and his current assignment as a Strategic Planner, J5, Joint Special Operations Command where he deployed in support of Operation Uprise Giant.

LTC Windmueller received a Bachelors of Science in Biology from The Citadel and a Masters of Science in Defense Analysis from the Naval Postgraduate School. In addition, he trained at the U.S. Army John F. Kennedy Special Warfare Center and School, where he served as the Chief of Special Forces Doctrine in the Directorate of Training and Doctrine.

Deployed on numerous operational assignments around the globe and through some of our nation's toughest times, LTC Windmueller stood ready to answer the call to serve our great nation. Some of his most notable engagements took place during his assignment to 3rd Battalion, 10th Special Forces Group. During this assignment he served as the Commanding Officer of a Special Forces Operational Detachment-Alpha, with deployments to Kosovo and Iraq in support of Operations Joint Guardian and Iraqi Freedom, and commanded the Group Mountain Operations Training Detachment. Throughout these operations, he delivered on the promise to keep America safe and confront our enemies head on under the most difficult conditions.

During these deployments, LTC Windmueller received numerous medals, including the Bronze Star with 2 Oak Leaf Clusters, the Meritorious Service, Army Commendation, Joint Service Achievement, Army Achievement, Armed Forces Expeditionary, Kosovo Campaign, Iraq Campaign, Afghanistan Campaign, Global War on Terrorism Expeditionary, the Overseas Service Ribbon and the NATO Medal. These medals are a testimony to his monumental success in safeguarding America.

While fighting our nation's battles overseas, LTC Windmueller had a full family at home. His wife, Laura, and he have three wonderful children. This country cannot repay the debt we owe to LTC Windmueller and his family. The Windmuellers are true American heroes.

Mr. Speaker, please join me today in commemorating the career of Lieutenant Colonel Kirk Windmueller.

**TRIBUTE TO YOUNG STAFF MEMBERS FOR THEIR CONTRIBUTIONS ON BEHALF OF THE PEOPLE OF THE 18TH CONGRESSIONAL DISTRICT OF TEXAS AND THE UNITED STATES**

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Ms. JACKSON LEE. Mr. Speaker, as Members of Congress we know well, perhaps better than most, how blessed our nation is to have in reserve such exceptional young men and women who will go on to become leaders in their local communities, states, and the nation in the areas of business, education, government, philanthropy, the arts and culture, and the military.

We know this because we see them and benefit from their contributions every day.

Many of them work for us in our offices as junior staff members, congressional fellows, or interns and they do amazing work for and on behalf of the constituents we are privileged to represent.

Mr. Speaker, I believe there is no higher calling than the call to serve a cause larger than ourselves. That is why I ran for public office. I was inspired to serve by President Kennedy who said, "Ask not what your country can do for you, ask what you can do for your country," and by the Rev. Dr. Martin Luther King, Jr. who said:

"Everybody can be great because anybody can serve. . . . You only need a heart full of grace. A soul generated by love."

By this measure, there are several other great young men and women who served as volunteers this year in my offices. They may toil in obscurity but their contributions to the constituents we serve are deeply appreciated. That is why today I rise to pay tribute to two extraordinary young persons for their service to my constituents in the 18th Congressional District of Texas and to the American people. They are: Shannon O'Quinn from Texas Tech University; and Lauren Butia from The Madeira School.

Mr. Speaker, the energy, intelligence, and idealism these wonderful young people brought to my office and those interning in the offices of my colleagues help keep our democracy vibrant. The insights, skills, and knowledge of the governmental process they gain from their experiences will last a lifetime and prove invaluable to them as they go about making their mark in this world.

Because of persons like Shannon and Lauren the future of our country is bright and its best days lie ahead. I wish them well.

Mr. Speaker, I am grateful that such thoughtful, committed young men and women can be found working in my office, those of my colleagues, and in every community in America. Their good works will keep America great, good, and forever young.

**IN RECOGNITION OF THE NEW PLYMOUTH TOWN HALL**

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. KEATING. Mr. Speaker, I rise today in recognition of the new Town Hall in Plymouth, Massachusetts.

On November 12th, America's hometown will be celebrating its community with the opening of the new Plymouth Town Hall. This event will be marked by a walk from the old Town Hall to the new Town Hall with everyone who contributed to this new landmark.

Construction on the new Town Hall began just two years ago, in the fall of 2015. I commend the town leadership and the residents of Plymouth for their collaboration on this community project. This would not have been possible without the dedication of all of those who were involved, from the over 40 volunteers who helped generate support for the project over local coffee and tea events, to the residents who advocated for the project at Town Meeting, to the many involved in the construction and restoration efforts. The level of planning and outreach involved in this project

serves as a powerful example of how local government working together with community members can be a tremendous success.

This project involved the restoration of the historic 1820 Courthouse. The Community Preservation Committee worked with a historical restoration team and many volunteers to return this building to its original glory. The centuries-old judge's bench in the courthouse is now set to be the new location for selectmen's meetings. Among the many 1800s-era pieces incorporated into the newly renovated building is its American Eagle Weathervane, which traveled aboard the ferry to Nantucket to be restored.

Located at 26 Court Street in the heart of downtown Plymouth, this Town Hall will be a centerpiece for the town, including during the 400th anniversary of Plymouth just a few years away, in 2020.

Mr. Speaker, I am proud to recognize the celebration of the new Plymouth Town Hall and the dedication of the entire Plymouth community.

**RECOGNITION OF TOLIE BRODIE HARRISON—TRIBUTE TO HER 100TH BIRTHDAY**

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. BUTTERFIELD. Mr. Speaker, I rise to honor and recognize Tolie Brodie Harrison who is an outstanding citizen in Nash County, North Carolina. Mrs. Harrison affectionately known as "Ma Tolie" will be 100 years young on December 12, 2017.

Born in 1917 during the height of World War I, Mrs. Harrison has devoted her entire life toward improving the quality of life for her community.

Mrs. Harrison and her husband, Frank Barnabas Harrison, were blessed with ten wonderful children. Education was important to the family. The Harrison's were adamant that their children would receive a proper education and encouraged them to attend college. Mrs. Harrison was also a provider and motivator by working countless hours on farms and in tobacco factories to keep her children enrolled in school. At age 45, she was employed by Abbott's Pharmaceuticals; which ensured the necessary benefits to support her family.

Mr. Speaker, many in the Nash County community can testify to the hospitality and encouragement of Ma Tolie. As a strong advocate for education, she would welcome new teachers to her home until they could find a permanent residence. For the students; she fed them, housed them, and wisely counseled them. With her many years of selfless service, Mrs. Harrison has left an indelible impression on the lives she touched. Throughout her life she has received many awards, recognitions, and praises for her contributions.

It is my high honor to offer these remarks in recognition of a great American who is an example of the highest degree of service to humanity.

IN MEMORY OF DR. JACQUELINE  
BOLDEN BECK

### HON. AL LAWSON, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. LAWSON of Florida. Mr. Speaker, I rise today to pay tribute to an educator par excellence, university administrator, trailblazer and community servant, Dr. Jacqueline Bolden Beck, who died on Tuesday, October 31, 2017, at the age of 86.

Dr. Beck was born and raised in Gulfport, Mississippi. After completing her high school education, she went on to Dillard University where she graduated as an honor student receiving a Bachelor of Science degree in Nursing in 1955. She continued her education at the Indiana University, where she received her Master of Science degree in Nursing in 1958. Later, Dr. Beck would complete her Ph.D. studies at the University of Florida earning a Doctorate of Education in Curriculum and Instruction in 1976.

Dr. Beck and her late husband, Dr. James Beck who she married in 1957, both joined the faculty at Florida A&M University (FAMU) in 1958. She rose quickly through the faculty ranks, first as an instructor, then Assistant Professor, followed by Associate Professor and Acting Dean of the School of Nursing.

In 1978, FAMU's former president, Walter L. Smith, Ph.D., entrusted Beck with developing the proposal that led to the creation of the School of Allied Health Sciences in 1982. Beck served as the founding dean of the School of Allied Health Sciences until 2000.

During her time as Dean, the School of Allied Health Sciences received more than \$13 million in extramural funding from Federal, State, and local agencies. The school evolved from two divisions, the Division of Medical Records Administration and Physical Therapy to five divisions, offering bachelor's degrees in cardiopulmonary science, healthcare management, health information management, occupational therapy and physical therapy and a master's in physical therapy by 2000. Additionally, the school's programs were all accredited by their respective accrediting bodies and were sought after by students from across the country.

Upon her retirement as Dean, Dr. Beck was appointed to the rank of Professor Emeritus. To commemorate her many contributions and dedication to the University, in 2007, the building that houses FAMU's Allied Health Sciences programs (Lewis-Beck Building) was named in her honor along with the late nursing school dean Margaret Lewis, Ph.D.

She served on numerous boards and commissions including the Pew Health Professions Commission, Board of Directors of ASAHP, Board Member of the National Society of Allied Health, College of Health Deans Group, Board of the National Society of Allied Health Journal and as a member of the State-Wide Allied Health Articulation Task Force, appointed by the Florida Commissioner of Education.

Dr. Beck was the recipient of the Cultural Pluralism Award by the Association of School of Allied Health Professions and in 2005, she was awarded the Honorary Doctorate of Humane Letters from the State University of New York, Down State. Dr. Beck was also very ac-

tive in the Tallahassee community where she served in many organizations and on the boards of numerous community service groups.

Throughout the ensuing decades of her life and career, she fashioned a powerful place in higher education and influenced the thinking of generations of young people. Driven by an enormous heart and keen intellect, Dr. Beck worked her entire life to give the opportunity of education to young people who had the will to cease it.

Mr. Speaker, with an unwavering dedication, strong values, and an avid pursuit of "leveling the playing field" in higher education, Dr. Beck made a tremendous impact in her community, the state of Florida, and the nation. We must honor her life and legacy by keeping hers a torch kept lit.

### WAY TO GO EDINA TENNIS CHAMPS

### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. PAULSEN. Mr. Speaker, I rise to congratulate the Edina Girls Tennis Team on winning the Minnesota State Championship Title.

The Hornets won the state finals with seven wins in seven contests. Sophomore Nicole Copeland and Senior Sophia Reddy both beat their opponents in two straight matches, clinching the victory for Edina in a decisive fashion.

This was a big year for the Hornets. Edina has won the state championship in girls tennis in 20 out of the last 21 years, a tremendous feat by any standard. Many of the matches in this year's tournament were decided by one point. They know what it's like to play under pressure and still clinch a victory.

Mr. Speaker, the Hornets' victory is a tribute to their hard work throughout the season and their ability to play under pressure. And most importantly, I commend these student athletes, who have also excelled in the classroom and our community.

Congratulations again to Coach Steve Paulsen and the Edina High School Girls Tennis Team. Their families, teachers, friends, neighbors, and our entire community are very proud to call them state champs.

### SERVICEMEMBER FAMILY BURIAL ACT

### HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. CORREA. Mr. Speaker, currently, spouses and dependent children of active-duty servicemembers may be buried in a VA national cemetery if predeceased by the servicemember. However, if the spouse or dependent child passes away before the servicemember, current law does not explicitly authorize their burial.

Since becoming aware of this gap in their burial authority, the National Cemetery Administration has been processing requests for burial of spouses and eligible dependent children

of active duty servicemembers in a VA national cemetery on case-by-case basis, using a designation of discretionary authority.

Today, I am introducing the Servicemember Family Burial Benefits Act to address the ability of the Department of Veterans' Affairs to bury an active-duty servicemember's loved ones if they pass away before the servicemember. My legislation will allow active duty servicemembers to bury their spouse or eligible dependent child, if they choose, in a VA national cemetery and authorize VA to provide headstones and markers for spouses and eligible dependent children. Finally, the language will allow state and tribal veterans cemeteries to provide this benefit in the same manner as VA national cemeteries. This legislation will allow active duty servicemembers the opportunity to choose to bury their loved one, lost while the servicemember is serving our nation, in a VA national cemetery. At their own time of need, servicemembers will have the option to be buried in a national cemetery with their loved ones.

### CELEBRATING THE CAREER OF U.S. CAPITOL POLICE SERGEANT JOEL HOBBS

### HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. HARPER. Mr. Speaker, I rise to celebrate the career of U.S. Capitol Police Sergeant Joel Hobbs, who is retiring in November after twenty-seven years with the force.

Since 2014, Sergeant Hobbs has served in the Criminal Investigations Section. He was responsible for supervising investigations for criminal offenses occurring on Capitol Grounds, such as assaults, stolen property, thefts, and fraud, among other offenses.

Prior to his promotion to Sergeant, Sergeant Hobbs served over 20 years on the Patrol Division. The Patrol Division is responsible for providing police services on a 24-hour basis, and security services designed to protect Congress, its employees, visitors, and property under the jurisdiction of Congress. As a Patrol Division Officer, Hobbs became recognized as a subject matter expert in areas involving arrest procedures, crime scene search, report writing, among other areas.

Sergeant Hobbs has accumulated numerous awards and recognitions from USCP and the Congressional Community throughout his career. As an officer and supervisor, Sergeant Hobbs has embraced every assignment given to him, and has had a positive impact everywhere he has been.

The U.S. Capitol Police play an extraordinarily important and often-overlooked role in the functioning of our nation's democracy. Without the safe and secure space they provide, lawmakers would be unable to conduct the American people's work and carry out our functions under the Constitution. All of us who serve in Congress hold the U.S. Capitol Police and its personnel in high esteem, and we are grateful for those who put on its uniform every day.

I hope my colleagues will join me in thanking Sergeant Joel Hobbs for his almost three decades of service to the U.S. Capitol Police, to the Congress of the United States, and to

our nation. I wish him all the best in his retirement.

#### INTRODUCTION OF THE CURRENT EMPLOYEE REPRESENTATION ACT

### HON. FRANCIS ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I rise today to introduce the Current Employee Representation Act with Congressman BRADLEY BYRNE of Alabama and Congressman JOE WILSON of South Carolina. The Current Employee Representation Act would provide union members more representation as their views may differ from decisions made decades ago especially in the rapidly modernizing workforce of today. This legislation also gives union employees more power to be heard and hold the higher-up decision makers within unions more accountable to the rank and file.

The United States is seeing shifts every day towards a more modern workforce. Many current employees are locked into old and outdated union contracts, approved long before they were hired. All employees deserve a voice that is reflective of today's workplace. They should be given options and a voice in the structure of their workplace, and not be subject to the same union practices of the past. This legislation aims to allow new employees an option to elect new union representation. And if they deem the union unnecessary, it would give employees the right to decertify and represent themselves. Why should outdated union agreements set the rules for the 21st-century economy?

I thank my colleagues who have already supported this legislation and look forward to working with them to see this and other modern workforce policies advance in this chamber.

#### INTRODUCTION OF THE IMPROVING OVERSIGHT OF WOMEN VET- ERANS' CARE ACT

### HON. J. LUIS CORREA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. CORREA. Mr. Speaker, women represent the fastest growing population in the veteran community. The Department of Veterans' Affairs reports that in 2016 women accounted for nearly 10 percent of the veteran population. This percentage will only increase in future years. It is vital that we ensure women veterans receive quality care in a safe and dignified environment, as well as in a timely manner.

According to the Government Accountability Office, the Veterans Health Administration does not have data and performance measures to determine women veterans' accessibility to gender-specific care delivered through certain community care programs. GAO also reports that VHA does not have accurate or complete data regarding VA medical centers'

compliance with environment of care standards for women veterans. Medical centers must conduct regular inspections and report instances of noncompliance, but sometimes these cases are not reported to VHA.

Therefore, I am introducing the Improving Oversight of Women Veterans' Care Act. This legislation will enhance the monitoring needed for effective oversight of women veterans' healthcare in and out of the Department of Veterans' Affairs. To accomplish this goal, the bill will require VA to report to Congress on women veterans' accessibility to gender-specific healthcare in any community of care program and require VA medical facilities to report to the Secretary on their compliance and noncompliance with quality care standards.

#### CONGRATULATIONS TO PAM TESTROET

### HON. GARRET GRAVES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. GRAVES of Louisiana. Mr. Speaker, I'd like to honor my constituent and friend, Pam Testroet, as incoming President of the Louisiana REALTORS Association. Pam and her leadership team will represent over 13,000 REALTOR members and have proven to be exemplary and dedicated volunteers to the organization. Home ownership is an important goal for most Americans, and certainly for citizens of Louisiana. It bolsters our state and local economies and helps with job creation. More importantly, home ownership is not just an aspiration that is part of the American Dream; to many Louisianans, it is a dream come true. REALTORS remain at the forefront and work tirelessly to help their clients achieve that dream. At a young age, Pam braved adversity and helped champion diversity in the historic story of Ruby Bridges. This kind of example gives us all hope for a better tomorrow. Pam had an extensive career in the telecommunications industry before earning her real estate license in 2003. She is passionate about education and homeownership and has served on the local, state and national level in various committees and roles. Pam is a proud REALTOR member with a passion for advocacy, policy, and fostering relationships to protect homeowners. I look forward to working with her, the leadership, and all the REALTORS in the coming year.

#### WAYZATA SOCCER CHAMPS

### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. PAULSEN. Mr. Speaker, I offer congratulations to the Wayzata High School Boys Soccer team on winning the Minnesota State Championship Title.

The Trojans topped off their incredible 20-0-2 season by coming home with the state championship trophy. It is inspiring to see a team that shows up with their best every day, and consistently comes out on top. After los-

ing in the championship last year, they came back stronger than ever to win the state title in 2017.

After a scoreless first half, sophomore Patrick Weah netted a goal that eventually decided the match. The Wayzata keeper, Daniel Weshons delivered a shutout after facing thirteen shots. Just before the buzzer, Ethan Wagner put a second goal in the net to secure Wayzata's victory.

Mr. Speaker, the championship title earned by the Trojans shows how hard work throughout the season and the ability to play under pressure always pays off. These outstanding student-athletes have lived up to their obligations in the classroom and in the community.

Congratulations again to the players, coaches, and parents of the Wayzata High School Boys Soccer team on becoming state champs. Go Trojans.

#### PERSONAL EXPLANATION

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Tuesday, November 6, 2017, I requested and was granted a leave of absence for the rest of the week due to the death of my sister.

For the information of our colleagues and my constituents, below is how I would have voted on the following votes I missed during this time period: on rollcall 607, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes, I would have voted "aye"; on rollcall 608, on passage of VA Management Alignment Act of 2017, I would have voted "aye"; on rollcall 609, on approving the Journal, I would have voted "no"; on rollcall 610, on motion on Ordering the Previous Question on the Rule providing for consideration of both H.R. 3441 and H.R. 3043, I would have voted "no"; on rollcall 611, on rule providing for consideration of both H.R. 3441, I would have voted "no"; on rollcall 612, on approving the Journal, I would have voted "no"; on rollcall 613, on Democratic motion to recommit H.R. 3441, I would have voted "aye"; on rollcall 614, on passage of H.R. 3441, I would have voted "no"; on rollcall 615, on passage of the Risk-Based Credit Examination Act, I would have voted "aye"; on rollcall 616, on ordering the previous question for consideration of H.R. 2201, I would have voted "no"; on rollcall 617, on rule providing for consideration of H.R. 2201, Micro Offering Safe Harbor Act, I would have voted "no"; on rollcall 618, on the passage of the Veterans Crisis Line Study Act of 2017, I would have voted "aye"; on rollcall 619, on the passage of Rush Amendment, which adds a new section to the Federal Power Act to improve the hydropower licensing process, I would have voted "aye"; on rollcall 620, on passage of H.R. 3043, Hydropower Policy Modernization Act of 2017, I would have voted "no"; and on rollcall 621, on passage of Veterans Fair Debt Notice Act of 2017, I would have voted "aye."

RECOGNIZING THE UNITY GIRLS  
CROSS COUNTRY TEAM

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. SHIMKUS. Mr. Speaker, I rise to recognize the Unity High School Girls Cross Country Team, who are the 2017 Class 1A Illinois team cross country champions.

Unity, in Tolono, won the meet with 108 points, as its three All-State finishers, Caroline Bachert (13th), Jordan Harmon (21st), and Evelyn Atkins (25th), powered the team to victory. But this was a team effort and a team victory as every runner contributed to Unity's razor-thin two point victory.

I would like to congratulate the entire Unity Girls Cross Country Team on their victory: Evelyn Adkins, Caroline Bachert, Mackenzie Brunk, Caroline Cousins, Savannah Day, Kylie Decker, Miranda Fairbanks, Audrey Hancock, Jordan Harmon, Chelsie Helmick, Elizabeth Hulick, Taylor Joop, Rachael King, Natalie King, Riley Millsap, Taylor Millsap, Eveyenia Pyle, Lily Styan, as well as Head Coach Kara Leaman, on a superb end to a great season. And with only one senior in the group who ran at the state meet, Unity can look forward to continued success with its program.

Mr. Speaker, today it is an honor for me to acknowledge the hard work and dedication of the Unity Girls Cross Country Team in winning the 2017 state cross country title, and I wish the team and their coach all the best in the future.

RECOGNIZING MR. MICHAEL E.  
STORY OF THE CITY OF RIALTO

**HON. NORMA J. TORRES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mrs. TORRES. Mr. Speaker, I rise today to honor Mr. Michael "Mike" E. Story of the City of Rialto in my district on the occasion of his retirement from a lifetime of civic service to the communities of the Inland Empire.

Mr. Story has been the City Administrator for the City of Rialto since 1985 and has been a resident of the city since 1981. Prior to being named City Administrator, his previous positions included Associate Planner, Senior

Planner, and Director of Development Services for the City of Rialto.

His long time commitment to civic service and contributions is not limited to the city of Rialto. Mr. Story previously worked for the cities of Fontana and Duarte as a Planner. He graduated with a Bachelor of Arts in Political Science and Public Administration from Cal Poly Pomona.

Mr. Story has been a dedicated public servant during his time working for the city of Rialto where his efforts have resulted in improvements to the quality of life for all residents. His extraordinary skills in planning and collaboration have created new and improved opportunities for the booming city.

Along with being dedicated to his civic employments, Mr. Story is an avid member of his church's community. He now serves as an Elder for the Rialto Sunrise Church, a church with multiple locations that serves the Inland Empire communities. And as a former board member, he was and is well respected for his continued participation and selfless dedication.

Today, Mr. Speaker, it is my honor to recognize Mr. Mike Story for his unmatched commitment and civic employment to the City of Rialto for over 30 years, and to the contributions he has made to the greater community of the Inland Empire.

IN RECOGNITION OF MS. KAZIA  
CAPENER

**HON. DAVID G. VALADAO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. VALADAO. Mr. Speaker, I rise today to thank Ms. Kazia Capener for her service to my office and the people of California's Twenty-First Congressional District.

Ms. Capener was born July 13, 1993 in Provo, Utah while her parents, Lars and LeAnn Capener, were attending Brigham Young University. As a baby, her parents moved to northern California, first to Davis then to Redding, where she lived until she was eight. Her family then moved Kazia, her brother Leif, and her sister, Anja, to Aurora, Illinois where her brother Kai was born. Throughout her childhood, Ms. Capener was an active tennis player and worked as a coach while in both high school and college.

After graduating from Waubensie Valley High School in Aurora, Illinois, Ms. Capener went on to attend Brigham Young University,

Idaho, in 2011. While in college, Kazia served an eighteen-month mission for the Church of Jesus Christ of Latter-day Saints in Seattle, Washington. While in Seattle, she served as a full-time volunteer teaching about the church, organizing and performing community service, and teaching English as a second language. In 2015, Kazia studied abroad at Université Paul Valéry Montpellier—III, where she participated in an intensive French language immersion program in Montpellier, France.

Kazia joined my team as an Intern in my Washington, D.C. office in March 2017 and quickly became Staff Assistant a month later in April 2017. As Staff Assistant, Ms. Capener was instrumental to my team through managing my D.C. internship program, assisting my constituents by planning tours in the nation's capital, and helping staff with day to day tasks. As a member of my team, Ms. Capener was greatly respected by her peers for her professionalism and dedication to her work. Outside of work, Kazia is an avid music lover and enjoys attending concerts, videography, and learning about other cultures.

Ms. Capener's time with my office will come to a close November 9, 2017 when she leaves to begin a new career as an Employment Specialist at the Ethiopian Community Development Council in Washington, D.C. In conjunction with the United States Department of State, Ms. Capener will be responsible for helping refugees with special immigrant visas from all over the world create resumes, prepare for interviews, and ultimately, find employment. She will also teach American culture classes to new arrivals to help refugees integrate into their new communities.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in commending Ms. Kazia Capener for her public service to the people of California's Central Valley and wishing her well as she embarks on the next chapter of her life.

PERSONAL EXPLANATION

**HON. BEN RAY LUJÁN**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 2017*

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted YEA on Roll Call No. 612.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S7125–S7168*

**Measures Introduced:** Eleven bills and five resolutions were introduced, as follows: S. 2107–2117, and S. Res. 326–330. **Pages S7156–57**

**Measures Passed:**

**State Veterans Home Adult Day Health Care Improvement Act:** Committee on Veterans' Affairs was discharged from further consideration of S. 324, to amend title 38, United States Code, to improve the provision of adult day health care services for veterans, and the bill was then passed, after agreeing to the following amendment proposed thereto:

**Pages S7163–64**

McConnell (for Hatch) Amendment No. 1581, in the nature of a substitute. **Page S7164**

**DHS Acquisition Review Board Act:** Senate passed S. 886, to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, after agreeing to the following amendment proposed thereto:

**Page S7164**

McConnell (for Daines) Amendment No. 1582, in the nature of a substitute. **Page S7164**

**Reducing DHS Acquisition Cost Growth Act:** Senate passed S. 906, to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, after withdrawing the committee amendment, and agreeing to the following amendment proposed thereto:

**Pages S7164–66**

McConnell (for McCaskill) Amendment No. 1583, in the nature of a substitute. **Page S7166**

**Veterans ACCESS Act:** Committee on Veterans' Affairs was discharged from further consideration of S. 1153, to prohibit or suspend certain health care providers from providing non-Department of Veterans Affairs health care services to veterans, and the bill was then passed. **Page S7166**

**Enhancing Veteran Care Act:** Committee on Veterans' Affairs was discharged from further consideration of S. 1266, to authorize the Secretary of Vet-

erans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs, and the bill was then passed. **Pages S7166–67**

**Small Business Saturday:** Senate agreed to S. Res. 328, recognizing November 25, 2017, as "Small Business Saturday" and supporting the efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses. **Page S7167**

**National Audiology Awareness Month:** Senate agreed to S. Res. 329, expressing support for the designation of October 2017 as "National Audiology Awareness Month". **Page S7167**

**Mandating Anti-harassment Training:** Senate agreed to S. Res. 330, mandating anti-harassment training for Senators and officers, employees, and interns of, and detailees to the Senate. **Page S7167**

**Kan Nomination—Agreement:** Senate resumed consideration of the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy. **Pages S7136–37**

During consideration of this nomination today, Senate also took the following action:

By 87 yeas to 9 nays (Vote No. 269), Senate agreed to the motion to close further debate on the nomination. **Page S7136**

A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, all post-cloture time on the nomination be yielded back, and Senate vote on confirmation of the nomination at 5:30 p.m. on Monday, November 13, 2017. **Page S7137**

A unanimous-consent agreement was reaching providing that at approximately 4 p.m., on Monday, November 13, 2017, Senate resume consideration of the nomination. **Page S7167**

**Bradbury Nomination—Cloture:** Senate began consideration of the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation. **Page S7137**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the



Senate, a vote on cloture will occur upon disposition of the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

**Page S7137**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session.

**Page S7137**

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

**Page S7137**

**Zatezalo Nomination—Cloture:** Senate began consideration of the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

**Page S7137**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

**Page S7137**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session.

**Page S7137**

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

**Page S7137**

**Otting Nomination—Cloture:** Senate began consideration of the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency, Department of the Treasury.

**Page S7137**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

**Page S7137**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session.

**Page S7137**

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

**Page S7137**

**Coggins Nomination—Cloture:** Senate began consideration of the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

**Pages S7137–38**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Joseph Otting, of Nevada, to

be Comptroller of the Currency, Department of the Treasury.

**Pages S7137–38**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session.

**Page S7137**

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

**Page S7137**

**Friedrich Nomination—Cloture:** Senate began consideration of the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

**Page S7138**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

**Page S7138**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session.

**Page S7138**

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

**Page S7138**

A unanimous-consent agreement was reached providing that notwithstanding the provisions of Rule XXII, the cloture motions filed on Thursday, November 9, 2017 ripen following disposition of the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

**Page S7167**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 49 yeas to 47 nays (Vote No. EX. 268), William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

**Pages S7125–35**

Mark A. Klaassen, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Bryan D. Schroder, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

William C. Lamar, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Scott C. Blader, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Robert M. Duncan, Jr., of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

John R. Lausch, Jr., of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

J. Douglas Overbey, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Charles E. Peeler, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

John F. Bash, of Texas, to be United States Attorney for the Western District of Texas for the term of four years.

R. Andrew Murray, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Matthew G. T. Martin, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Erin Angela Nealy Cox, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Christina E. Nolan, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Pages S7150, S7168

Peter Hoekstra, of Michigan, to be Ambassador to the Kingdom of the Netherlands.

Page S7150

Messages from the House: Page S7155

Measures Referred: Page S7155

Executive Communications: Pages S7155–56

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Statements on Introduced Bills/Resolutions: Pages S7158–60

Amendments Submitted: Pages S7160–63

Authorities for Committees to Meet: Page S7163

Privileges of the Floor: Page S7163

Record Votes: Two record votes were taken today. (Total—269) Pages S7135–36

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 5:48 p.m., until 4 p.m. on Monday, November 13, 2017. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7167.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Agriculture, Nutrition, and Forestry:* Committee ordered favorably reported S. 2099, to pro-

vide for the management by the Secretary of Agriculture of certain Federal land.

### NOMINATIONS

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine the nominations of Glen R. Smith, of Iowa, to be a Member of the Farm Credit Administration Board, who was introduced by Senators Grassley and Ernst, and Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture, who was introduced by Senators Alexander and Corker, after the nominees testified and answered questions in their own behalf.

### NOMINATIONS

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Missouri, who was introduced by Senator Blunt, 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, who was introduced by Senator Cruz, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

### BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported the nominations of Robert Behler, of Pennsylvania, to be Director of Operational Test and Evaluation, Thomas B. Modly, of Maryland, to be Under Secretary of the Navy, and James F. Geurts, of Pennsylvania, to be an Assistant Secretary of the Navy, all of the Department of Defense.

### BUSINESS MEETING

*Committee on Homeland Security and Governmental Affairs:* Committee ordered favorably reported the nominations of 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.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported 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.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 53 public bills, H.R. 4318–4370; 1 private bill, H.R. 4371; and 3 resolutions, H. Res. 612–614, were introduced. **Pages H8694–97**

**Additional Cosponsors:** **Pages H8699–H8700**

**Reports Filed:** Reports were filed today as follows:

Conference report on H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (H. Rept. 115–404); and

H.R. 3973, to amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage of market data (H. Rept. 115–405).

**Page H8694, (See Book II)**

**Recess:** The House recessed at 10:30 a.m. and reconvened at 10:44 a.m. **Page H8678**

**Micro Offering Safe Harbor Act:** The House passed H.R. 2201, to amend the Securities Act of 1933 to exempt certain micro-offerings from the registration requirements of such Act, by a yeas-and-nays vote of 232 yeas to 188 nays, Roll No. 622.

**Pages H8667–78, H8678–79**

Agreed to:

Emmer amendment (No. 1 printed in H. Rept. 115–401) that amends the bill to not allow the exemption to be available for those who have been disqualified under the “bad actor” disqualification standard of section 230.506(d) of title 17, Code of Federal Regulations, providing an additional layer of investor protection in the bill. **Pages H8677–78**

H. Res. 609, the rule providing for consideration of the bill (H.R. 2201) was agreed to yesterday, November 8th.

**Senate Message:** Message received from the Senate today appears on page H8678.

**Quorum Calls—Votes:** One yeas-and-nays vote developed during the proceedings of today and appears on pages H8678–79. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 2 p.m.

## Committee Meetings

### AVIATION READINESS: WHAT’S THE FLIGHT PLAN?

*Committee on Armed Services:* Subcommittee on Readiness held a hearing entitled “Aviation Readiness: What’s the Flight Plan?”. Testimony was heard from Major General William Gayler, Commanding General, U.S. Army Aviation Center of Excellence and Fort Rucker; Lieutenant General Chris Nowland, Deputy Chief of Staff for Operations, U.S. Air Force, Headquarters; Lieutenant General Steven Rudder, Deputy Commandant for Aviation, U.S. Marine Corps; Vice Admiral Mike Shoemaker, Commander, Naval Air Forces, U.S. Navy.

### PERSPECTIVES ON MIXED MARTIAL ARTS

*Committee on Energy and Commerce:* Subcommittee on Digital Commerce and Consumer Protection held a hearing entitled “Perspectives on Mixed Martial Arts”. Testimony was heard from Greg Sirb, Executive Director, Pennsylvania State Athletic Commission; and public witnesses.

### LEGISLATIVE MEASURE

*Committee on Energy and Commerce:* Subcommittee on Environment held a hearing on legislation on the Farm Regulatory Certainty Act. Testimony was heard from Representatives Costa and Newhouse; and public witnesses.

### RESOLVING THE POLITICAL CRISIS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled “Resolving the Political Crisis in the Democratic Republic of the Congo”. Testimony was heard from Donald Yamamoto, Acting Assistant Secretary, Bureau of African Affairs, Department of State; Cheryl Anderson, Acting Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; and public witnesses.

**AN UPDATE ON NASA EXPLORATION  
SYSTEMS DEVELOPMENT**

*Committee on Science, Space, and Technology:* Subcommittee on Space held a hearing entitled “An Update on NASA Exploration Systems Development”. Testimony was heard from William Gerstenmaier, Associate Administrator, Human Exploration and Operations Directorate, National Aeronautics and Space Administration; and a public witness.

**COMMITTEE ON WAYS AND MEANS**

Full Committee concluded a markup on H.R. 1, the “Tax Cuts and Jobs Act”. H.R. 1 was ordered reported, as amended.

***Joint Meetings***

No joint committee meetings were held.

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**COMMITTEE MEETINGS FOR FRIDAY,  
NOVEMBER 10, 2017**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

No meetings/hearings scheduled.

**House**

No hearings are scheduled.

*Next Meeting of the SENATE*

4 p.m., Monday, November 13

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Friday, November 10

## Senate Chamber

**Program for Monday:** Senate will resume consideration of the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy, post-cloture, and vote on confirmation of the nomination at approximately 5:30 p.m.

Following disposition of the nomination of Derek Kan, Senate will vote on the motion to invoke cloture on the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

## House Chamber

**Program for Friday:** House will meet in Pro Forma session at 9 a.m.

## Extensions of Remarks, as inserted in this issue

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