



United States  
of America

# Congressional Record

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

Vol. 163

WASHINGTON, TUESDAY, NOVEMBER 14, 2017

No. 186

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. JODY B. HICE of Georgia).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

November 14, 2017.

I hereby appoint the Honorable JODY B. HICE to act as Speaker pro tempore on this day.

PAUL D. RYAN,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

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

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

### GOP TAX BILL

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

Mr. HOYER. Mr. Speaker, I was here when Democrats and Republicans came together to enact bipartisan tax reform in 1986. We paid for our tax overhaul and never once asked future generations to foot the bill.

President Trump said in July that tax reform is, and I quote, "going to be easy." I will admit that, to someone like him who is new to government and who may not understand fully how

Congress works, what we achieved in 1986 may, in hindsight, appear to have been easy. It wasn't.

It was difficult because it required compromise; it was difficult because it required trust; and it was difficult because it required both parties to make tough choices and share the burden of taking responsibility, along with the benefit of claiming victory.

Somewhere along the way, Mr. Speaker, it seems that many in the Republican Party lost sight of this truth. First on healthcare, and now on taxes, they have decided that it would be easier not to work with Democrats at all, so they have chosen a partisan path, where the only ones with whom they have to compromise are themselves. It is "going to be easy," they said.

And the result: We now expect, on this floor, a bill so dangerous and so reprehensible to the taxpayers of this country that nearly every major organization representing taxpayers, small businesses, workers, farmers, seniors, home builders, realtors, teachers—and I could go on—oppose this bill.

There are more serious problems with the Republican tax bill than time to address them on this floor, so I want to highlight the three that make it so utterly dangerous to our economy and to the middle class.

First, most of the benefits of the tax cuts Republicans are proposing will benefit only those at the very top 1 percent; the 99 percent left behind. According to the nonpartisan Tax Policy Center's latest analysis, under the Republican plan, 47 percent of the tax cuts will benefit that top 1 percent, just 1.2 million households making more than \$900,000 a year.

Let me repeat: the top 1 percent will get nearly half of all the tax cuts in this bill, and 50 percent for the 99 percent.

Second, the Republican plan raises taxes on 36 million middle class fami-

lies. That is not what the Speaker said it was going to do. He said he would give everybody a tax cut. That was not true, and is not true. 36 million middle class American households will see their taxes go up over the next 10 years as a result of this Republican plan.

And third, the Republican plan will explode the debt by more than \$1.7 trillion over the next decade. This bill is the granddaddy of all debt creators. This means that those tax cuts, more than half of which benefit only the top 1.5 percent, will be paid for by a huge tax increase on our children and on our grandchildren.

The late Senator Russell Long from Louisiana liked to cite an old ditty about who gets stuck with the pain of tax increase. He said: "Don't tax you, don't tax me, tax that fellow behind the tree," meaning, of course, that none of the voters want a tax increase, so if you raise taxes, make sure it is someone else who is out of sight and out of mind.

In this case, sadly, Mr. Speaker, that fellow behind the tree is a child. This is a tax increase on all those children. It is a child who can't vote and doesn't have a voice in this debate.

The Republican plan asks Members to pile \$1.7 trillion or more of debt onto our children and grandchildren and put the fiscal sustainability of our country at further risk. When confronted with this fact, we heard only the same arguments we heard in 2001 and 2003, before the last major Republican effort to cut taxes precipitated the worst recession in our memory and a period of severe budget tightening that led to disinvestment in our country under the threat of sequestration.

That argument, flawed and false, is that these tax cuts will grow the economy so much that the ensuing growth will magically erase all the deficits we know their plan will accrue.

So easy, Mr. Speaker, so easy. The cuts will simply pay for themselves, we

□ 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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are told. We have been told that before, of course. The cycle repeats: Republican promises that tax cuts will pay for themselves, followed by massive deficits, 189 percent increase in the deficit under Ronald Reagan, followed by Republicans insisting that we respond with austere cuts to investments in our people and in our opportunity. So easily they forget.

But middle class Americans will not forget who is responsible when their taxes go up, when their tax increases pay for tax cuts for the top 1 percent, and when, in the years ahead, more and more investments need to be cut to pay the interest on the debt under which this plan will bury the children and grandchildren of America.

And all because my colleagues across the aisle wanted to skip out on doing what they knew would be hard, just as they did when former Ways and Means Committee Chairman Dave Camp introduced his comprehensive tax reform that was responsibly paid for. That is Dave Camp, Republican, State of Michigan. He is retired now, but he offered a responsible bill, and it was not even considered by his committee.

He asked his colleagues to do something hard, of course, but they dismissed it, dismissed it out of hand, because it would have required hashing out a difficult compromise. But easy is no synonym for successful.

President Kennedy told us that we choose these things, that is, tackling our greatest challenges, "not because they are easy, but because they are hard."

So I ask my Republican friends—no, I urge them, set aside this dangerous, reckless, and irresponsible bill. Instead, let's choose the hard path that involves hard choices and trust and all of those things that made tax reform successful in 1986, which are the missing elements in this flawed bill.

Mr. Speaker, Democrats are ready to sit down with you and work on this challenge, together. It won't be easy, that is a promise, but if we do it together, if we do it in a way that doesn't balloon the debt or raise taxes on the middle class, we have a chance to do it right. Let's take that chance.

#### RECOGNIZING RURAL HEALTH WEEK

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week is Rural Health Week in the Commonwealth of Pennsylvania. It is a time to promote awareness of the full range of issues that impact rural health throughout the State and the health status of rural Pennsylvanians.

Nationally, Pennsylvania ranks as one of the States with the highest number of rural residents, with 23 percent of Pennsylvanians residing in rural areas.

Rural communities also face unique healthcare concerns, a lack of providers, accessibility issues, particularly in terms of transportation and technology, and affordability issues as a result of larger percentages of uninsured and underinsured citizens and greater out-of-pocket health costs.

Mr. Speaker, before I was elected to serve in the House of Representatives, I spent nearly 30 years in the nonprofit healthcare field, assisting those with life-changing diseases and disabilities. I am acutely aware of the challenges many face when it comes to obtaining reasonably priced healthcare. It is especially critical for rural America, like much of the Fifth Congressional District of Pennsylvania.

We are facing a healthcare crisis in our Nation's rural areas. These often disadvantaged populations are still struggling to access affordable, quality care. Many remain uninsured. Most are underinsured; however, access to quality care remains the largest challenge.

Even when people gain access to health insurance, it doesn't equal access to care. Rural hospitals across the country are closing, leaving patients without access to their emergency rooms and long-term healthcare facilities.

Eighty rural hospitals in the United States have closed since 2010. One in three rural hospitals are financially vulnerable. At the current closure rate, more than 25 percent of rural hospitals will close in less than a decade.

In addition to hospital closures, a workforce shortage plagues rural America. Seventy-seven percent of more than 2,000 rural counties in the United States are designated as having a shortage of healthcare professionals. Recruitment and retention of experienced professionals, including primary care physicians, is an ongoing challenge.

Furthermore, the opioid crisis that is sweeping the Nation has ravaged our rural communities, leaving even more of the population in need of crucial health services. Adolescents and young adults living in rural areas are more vulnerable to opioid abuse than their urban counterparts.

The prevalence of fatal drug overdoses has skyrocketed in rural areas. High unemployment and a greater rate of the types of injuries that result in prescriptions for opioid medications have contributed to this. But there are ways to increase treatment options.

Just last week, the House approved a bill that I introduced that would expand healthcare access for our veterans through telemedicine. The bill allows VA-credentialed healthcare providers to practice telemedicine across State lines.

Mr. Speaker, our veterans should receive the best care possible, no matter where they are located. With advances in technology, we see new opportunities for veterans to obtain coverage through telemedicine, especially in some of our most rural areas.

As we celebrate National Rural Health Day this Thursday, it is my hope that we continue to strive for a 21st century healthcare system that works for everyone in America. With technology today, we have the opportunity to expand services, regardless of where one resides, particularly for those in rural regions where the need is great and the services are scarce.

#### PRESIDENT TRUMP'S AMERICA FIRST DOCTRINE

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

Mr. QUIGLEY. Mr. Speaker, last week, the President visited Asia for the first time as Commander in Chief, and took the opportunity, while on foreign soil, to reiterate his America First doctrine.

I rise today because an America First doctrine mentality will not lead to success for the United States or the world. This way of thinking is an outdated, obsolete, and dangerous form of isolationism. It will not keep us safe. It will not make us stronger economically.

Ironically, this phrase paints a picture that is blatantly un-American. America First sends a signal to the global community that the United States no longer wants to carry the torch of freedom and democracy which shines brighter through inclusion and collaboration.

On the national security front, the United States has the strongest military the world has known. For decades, allies have counted on the U.S. to step up to the plate to work with them to protect the shared values we hold dear.

As we face numerous international challenges, both old and new, we need to put more faith and investment into our international and diplomatic institutions, not weaken them. The United States did not earn its reputation as leader of the free world by standing back and allowing darker forces to prevail.

As oppressive regimes like Russia seek to undermine democracies, including our own, America's commitment to democracy must be stronger than ever.

The President's threats to NATO and the U.N. have caused our trusted allies to question our commitment to collective defense. We know that when countries work in concert, the chance of conflict decreases.

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Despite its challenges, globalization has led to one of the most peaceful and productive times in world history. Adopting protectionist policies would stifle this progress, and certainly won't put America first.

Our efforts to address difficult domestic and international challenges are not mutually exclusive. In fact, they can and should happen simultaneously. We defeated communism, in part, by showing the world that a commitment to democracy and expanding

economic opportunity makes peoples' lives better and nations more secure. Meeting our commitments overseas also makes us stronger and safer here at home.

Standing up against the isolationist tide sweeping the globe is critical to preserving our leadership role. Take the President's decision to pull out from the Paris climate agreement as another example. By abandoning our partnership with every other country in the world, the President has put our credibility and our Earth at risk. We are now the only nation not participating in this historic climate pact.

To reassert our integrity for global leadership, we must lead by example. This includes recalling lessons learned from earlier periods of isolationism. Relinquishing ground in this area creates a vacuum which less friendly, less democratic actors are prepared and capable to fill.

Abdicating global leadership, praising authoritarian regimes, and belittling allies has been a hallmark of this Presidency. This does not put America or our interests first. Our U.N. and NATO partnership should not just be honored and preserved, but strengthened. We are serious about taking on terrorism, cybersecurity treats, and other dangers that jeopardize the peace of our planet. Instead of distinguishing between winners and losers and sowing division where it need not exist, we must acknowledge our shared goals and values with our allies around the world, because our commitment to democracy and diplomacy is what has always made our Nation great.

#### THE CIVIL AIR PATROL'S PACE OF OPERATIONS IS EXTRAORDINARY

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

Mr. ABRAHAM. Mr. Speaker, I rise today to recognize the exceptional emergency and operational contributions of the Civil Air Patrol and its 58,000 volunteers. In the near future, I hope to also talk about two other primary missions of the CAP: youth development and aerospace/STEM education.

Literally every day, the CAP responds to life-threatening emergencies, homeland security requests, and a wide range of missions for States and the Federal Government with over 500 single-engine aircraft in every State and in Puerto Rico. As an active member since 2004, I have had the privilege of flying many of these missions, so I speak from personal experience.

Over the past 15 months, the CAP has responded to four hurricanes, major wildfires in the West, dozens of other emergencies, including search and rescues, in addition to vital military missions on a daily basis. The high operational tempo has helped ensure that the CAP, for a second year in a row, has flown over 100,000 hours.

The CAP's pace of operations is extraordinary when one considers that these missions are flown by volunteer professionals who pay dues to belong to the CAP, and they must take time from their work or use their vacation times to actually fly these missions.

Vital for communities and for every State are the CAP's disaster relief operations. The mission is best highlighted by the CAP's massive volunteer response to the three recent rapid-fire hurricanes—Harvey, Irma, and Maria—that made U.S. landfall from Texas to the Virgin Islands.

While additional flight hours are still expected, 2,800 hours have already been flown and nearly half a million photographs have been taken for FEMA, Texas, Louisiana, Florida, South Carolina, Puerto Rico, and the U.S. Virgin Islands. These photos are being used to assess damage and to focus on recovery efforts.

To do this, the CAP has used 118 aircraft and over 1,000 personnel from 44 wings—there is a wing for every State and Puerto Rico and D.C.—and region headquarters across the Nation. For large-scale operations, such as long-term hurricane support, the CAP often depends on the assistance of these adjacent wings in different States and different regions of the country.

I was able to view up close and personal hurricane recovery operations when I flew several sorties during Hurricane Harvey. On one mission, I was responsible for taking full-motion video of three dams along the Texas-Louisiana border to help establish that they were in good condition and safe for those living in surrounding areas. Those assessments could mean the difference between life and death for many communities.

In California, where fast-moving wildfires destroyed over 8,900 homes, the CAP continues to fly photographic missions in support of FEMA and California. Hundreds of sorties have been flown and 13,586 photos taken. These photos are being used to help emergency managers analyze the damage and assess the assistance needed by those whose homes and businesses have been damaged or destroyed.

In addition to conventional photography, the CAP's California operations have included testing a new leading-edge tactical aerial imagery system, which helped eliminate distortion in photos, making it easier for FEMA to analyze the data and making them a more effective tool for damage assessments. The CAP is pleased to be part of this test program, and it is expected to help improve wildfire damage assessments.

Operational missions for the Air Force and other government agencies occur daily and without fanfare. These include, among others, being a target for Air Force interceptors, helping to train combat ground forces, and escorting military remotely piloted aircraft for training. Air Combat Command's First Air Force provides operational

coordination for these CAP missions, which comprise about 80 percent of the First Air Force weekly operational flying.

I was privileged recently to fly with the CAP Congressional Squadron on a Fertile Keynote mission. This mission is unusual, as it provides CAP aircraft as a slow-moving target for its Air Force pilots to practice interception techniques. The Congressional Squadron is unique, as it includes Members of Congress and congressional staff who fly with CAP airmen.

Our mission that day was to simulate a general aviation aircraft that was in controlled airspace without permission. Two F-16 Vipers scrambled from Joint Base Andrews to find and definitely intercept us. These missions provide excellent training at a fraction of the cost to the government, and they are very valuable in training our great men and women who wear Air Force uniforms.

Another key mission is to help train ground combat soldiers who are about to deploy overseas. Two CAP squadrons are tasked with providing this support.

Mr. Speaker, I will certainly continue this discussion later.

#### THE REPUBLICAN TAX PLAN

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

Ms. NORTON. Mr. Speaker, it usually takes time to uncover a tax scam, but this graph tells the whole story of the Republican tax bill in a glance.

If the House bill passes, in 2018, taxes will probably go down, taxes for individuals; and that is the blue line. Income taxes will probably go down. So far so good.

But follow the blue line for average U.S. taxpayers after 2019 and you will see income taxes from 2020 to 2027, the end of the time frame for this bill, go up. In fact, from 2019 to 2027, we see tax increases for average taxpayers. There is the blue line, and we see these increases take off steeply for average taxpayers.

Now follow the red line for business income taxes. Business income taxes, like individual taxes, start off by going down, too. That means tax cuts. There they go. By 2020, business taxes, like individual income taxes, are still mostly level or going down.

Then at 2020, business income taxes increase—the same with individual income taxes. Both go up.

Then comes 2024. This is the divide line; the great divide between business income taxes and individual income taxes. Business income taxes turn abruptly down—there they go; there is the red line—while individual income taxes, just as abruptly, turn steeply up. There is the blue line. Individual tax increases.

The graph showing individual income taxes going up is this blue line, but it represents what is happening in blue States and red States alike.

The bottom line for individual taxpayers—less than half of taxpayers get anything approaching a permanent tax cut, and an additional one-third have their tax liability changed by \$100 or less. That adds up for most Americans to tax increases.

Business taxes go down. Here is the red line. Individual taxes, your taxes, you pay more, they go up, your taxes and mine.

The Republican plan is a tax increase bill for average Americans. Defeat the Republican tax bill to keep taxes from going up for average Americans who pay taxes in our country today.

#### IN RECOGNITION OF TRANSGENDER AWARENESS WEEK

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to recognize Transgender Awareness Week to bring attention to the challenges that transgender individuals still face today.

Our great country was founded on the values of opportunity and freedom. Unfortunately, we hear about bills and a public discourse that only seek to divide and discriminate against this vulnerable population.

Transgender individuals are active members of our community. They are our friends, our neighbors, and our children.

As the mother of a transgender son, I know that there is a great need for public understanding of gender identity. These are Americans who have the same hopes, the same dreams as everybody else, and should not be treated differently from their peers.

Mr. Speaker, the reality is that transgender Americans around the country work hard and want to succeed and provide for themselves and their families. They deserve to be fully protected under our laws.

We must come together as a country to say no to prejudice, no to discrimination, and no to harassment. That begins by respecting, by accepting, and by embracing each individual.

#### CONGRATULATIONS TO DR. EDUARDO PADRON

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Dr. Eduardo Padron on being selected into the board of trustees of the Urban Institute.

The Urban Institute is among our Nation's leading public policy think tanks, with a mission to open minds, to shape decisions, and to offer solutions.

It is not hard to see why it selected Dr. Padron as its board member. Dr. Padron serves as the president of my alma mater, Miami Dade College, and he has dedicated his life and his career to advocate on behalf of underserved populations.

Throughout his presidency, Miami Dade College has been propelled into a position of national prominence, and it is a shining example for how a college

can bring about real and positive change in a community.

Dr. Padron's efforts and strong record of service have helped transform the lives of many in my community of south Florida, and I am confident that his tenure at the Urban Institute will be a successful one.

Once again, Dr. Padron, "felicidades," "congratulations."

□ 1030

#### RECOGNIZING STANLEY TATE FOR HIS PUBLIC SERVICE

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to pay recognition to a true Florida icon, Mr. Stanley Tate.

Hailing from Miami, Stanley is a man committed to public service and helping those who need it most. He has dedicated his life to serving as a voice for the voiceless and has never ceased to put the needs of others before his own.

I am proud to have had the opportunity to have worked extensively with Mr. Tate throughout my time in the Florida State Legislature. Together, we pioneered many great initiatives, including the creation of the Florida Prepaid College Plan that is our Nation's premier savings plan to improve opportunities in the Sunshine State and advance higher education.

In addition to his many accomplishments, Stanley has remained a strong advocate for our Nation's leading and closest ally, the democratic Jewish State of Israel. He has remained steadfast in his commitment to fight issues like BDS and anti-Semitism, and I join him in his fight toward equality and acceptance for all.

Mr. Speaker, I wish Stanley Tate the best in his future endeavors, and I thank him for his tireless service to our community.

#### ISSUES ASSOCIATED WITH CLIMATE CHANGE

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to renew my commitment to addressing the many issues associated with climate change and to urge my colleagues to help be part of the answer by joining the bipartisan Climate Solutions Caucus.

My home district of Miami has experienced the impact of climate change firsthand. In Miami Beach, my constituents experienced ever-more frequent king tides that flood the streets with saltwater. Across all of south Florida, beaches and coastlines continue to erode away. These are just a few of the examples of the real consequences of sea level rise, which is a direct consequence of climate change. These facts cannot be ignored.

I would like to thank our colleagues Congressmen CARLOS CURBELO and TED DEUTCH, the founders and co-chairs of this important caucus, for recognizing that we cannot afford to ignore climate change any longer. It is not just a Florida issue. It impacts our entire country. I am proud to be a part of this diverse group of Members seeking to answer some of the most difficult questions associated with climate change

and work on practical solutions to mitigate its effects and build a more resilient nation.

#### REJECT THE TAX BILL

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

Mr. DOGGETT. Mr. Speaker, after a treacherous extended game of hide-and-seek, Republicans this week are rushing through this House a wretched tax bill. The future of this sneak attack on America depends upon how quickly the truth can catch up with so many lies.

This bill is just a way to curry favor with Washington's special interests, awarding tax windfalls to large multinational corporations and the fortunate few who sit way up atop the economic ladder.

"Don't worry," Republicans say. "What middle class people lose to pay for this unbalanced tax cut, will eventually trickle down. With a little fairy dust magically, it will appear in your pocket, and you will get more than ever."

This is a massive corporate tax break where the tail is wagging the dog of a corporate tax break. The Republican gimmick that Americans are being asked to swallow is the same experience we have had previously. The middle class will not enjoy the benefits of this bill. Both history and arithmetic tell us that.

First, they are borrowing this money—much of it—to finance this tax break from the Chinese and the Saudis, and others whom we have looked to to pay for our immense national debt in the past.

Second, we know from experience that tax breaks like this do not create lasting jobs. But it is even worse than all of that because Republicans are creating a special new loophole for outsourcing so many more American jobs.

Candidate Trump, last year, made a central theme about protecting American jobs and stopping outsourcing, but he has endorsed a tax bill that does just the opposite. It creates a gaping new loophole to encourage greater outsourcing of our jobs and our profits abroad. Here is how it all works:

A multinational investor has a choice to make. Do I invest with new manufacturing in San Antonio, or do I choose Stuttgart or Shanghai? If I invest in America under their proposal, it will be a 20 percent tax on my profits; but if I invest abroad in Shanghai or in Stuttgart, the most I pay is 10 cents on the dollar, and more likely, I don't pay anything because of the way this bill is constructed. The bill will create some new jobs, no doubt, but it is a mighty long commute to Europe or Asia to get one of those jobs.

With the help of Washington's special interests, they have rigged up an even more complex international tax-dodging system that pretends to tax foreign investment at half the U.S. rate. In

fact, it permits many of these companies to funnel even more of their profits into tax havens where their liability in America will end up being zero, and much of their profit will not be taxed anywhere, by anybody.

Whatever happened to making America great?

For Republicans, it is not enough to reward future tax dodging. No. They want to go back and reward tax dodging from the past. And we sure have had plenty of that because, for years, large multinational firms have exploited these island tax havens, setting up artificial offices in the Bahamas or the Caymans to get their tax bill down to little or nothing, leaving working families and those American-oriented businesses, small businesses, large domestic-oriented businesses, to pay the bill for our national security that they decline to pay.

The recent revelations of the Panama Papers and, more recently, the Paradise Papers, have exposed how these companies use these tax laws.

How did the Republicans respond? By granting multinationals with hoards of taxes that they hold in separate accounts they call offshore but sit right there on Wall Street, by letting them pay less than half of what they owe at a rate much lower than most middle-class families pay. It is another Republican myth meant to convince working families to go along with this proposal. Many of these profits come from those companies that claim they are trapped offshore, but it is only the American people who are trapped by this proposal.

Goldman Sachs, itself, has said repatriation is likely to have a limited effect because repatriated earnings are already working here for domestic activities. There is nothing patriotic about repatriation. This is a tax bill borne by the middle class to benefit the wealthy few and these multinationals, to reward them for what they have been doing in the past, and it must be rejected.

#### CONGRATULATING DIRECTOR GLENN COSTIE

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The Chair recognizes the gentleman from Ohio (Mr. TURNER) for 5 minutes.

Mr. TURNER. Madam Speaker, today I rise to thank and honor an integral member of my community, Director Glenn Costie of the Dayton VA Medical Center, and congratulate him on his retirement.

Director Costie turned the Dayton VA into one of the top medical facilities for our veterans in the country. Director Costie's success as a director of the VA Medical Center in Dayton has gained him national recognition. He has been sent throughout the country to save multiple VA medical facilities plagued with issues, particularly including veteran patient backlogs.

Furthermore, Director Costie has worked tirelessly to integrate the Day-

ton VA into our community to serve our veterans in a way that it hadn't in several decades. Director Costie's time at the VA has been dedicated to bettering the lives of our veterans.

I was very honored to work with Director Costie on the issue of bringing creative housing options for Dayton's veterans, a place known as Lyons Place II. We also worked together on the successful campaign to bring the VA National Archives to Dayton.

Director Costie's leadership and expertise will be deeply missed at the Dayton VA. I wish to thank him, give him all the best, and look forward to what he will be doing in his leadership in the future in our community, and I thank him again for everything he has done for Dayton veterans.

#### PAYING TRIBUTE TO AMINA OKUYEVA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Kaptur) for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise to pay tribute to a freedom fighter, a beloved mother of her embattled country, Ukraine, Amina Okuyeva.

Amina Okuyeva was killed on October 30 in a cowardly act. Hitmen fired on Amina and her husband, Adam Osmayev, from behind bushes as they drove by. Amina was struck in the head. The world lost a brave and beautiful soul, but her loss will not be in vain.

Born in the southern Ukrainian city of Odessa, Amina was a mother, a medical surgeon, a Ukrainian police lieutenant, and a Muslim activist known for her stance on equal rights for men and women in uniform.

She was a born leader. At the start of the Euromaidan movement, Amina joined the peaceful protest in Ukraine in the bitter cold, a protest against repression. To show solidarity, she lived with her husband on the streets in a tent.

When Russia illegally invaded Crimea in eastern Ukraine, Amina was the first woman to join the Kyiv-2 volunteer battalion. She was awarded the Hero of Ukraine Medal to honor her bravery at the battle of Debatesevo in the grizzly fight against Russian aggression.

She fought valiantly towards progress and against oppression. Her bravery symbolizes the extraordinary strength of Ukrainian women as the fountainhead of that society, holding the country together during significant duress.

With her assassination, the world has yet again witnessed how the enemy of democracy will stop at nothing to silence those who stand for freedom and justice. Amina had been a target before due to her unyielding patriotism. A failed attempt occurred in June when an assassin, pretending to be a journalist, shot at her. Tragically, evil persisted, and on Monday, October 30, it succeeded in snuffing out the beauty of

Amina and wounded her husband, but her spirit endures larger than life itself.

Amina is one of many fallen victims to Russia's illegal invasion of Ukraine and its clandestine efforts to snuff out championships of freedom. The list includes Nikolai Andrushchenko, Nikolai Volkov, Denis Voronenkov, and numerous other valiant souls who placed their lives forward in liberty's struggle.

I include in the RECORD an extensive list of lives purged by Kremlin-related assassinations.

#### LIST OF KREMLIN-RELATED ASSASSINATIONS OR ATTACKS

"Two common causes of death for contemporary Russians are heart attacks and falling to one's end from great heights. In some cases, these fatal events actually even have something to do with high cholesterol or tragic mishaps."—journalist Michael Weiss, Daily Beast

2017

April 19—Nikolai Andrushchenko, a 73-year-old Russian journalist who openly criticized President Vladimir Putin's administration died just over a month after he was attacked and beaten by unknown aggressors. The Novy Peterburg founder died in a St. Petersburg hospital from injuries attributed the 9 March 2017 attack. Andrushchenko, a former St. Petersburg city council member, was placed in a medical coma after suffering major blunt trauma to his head, but never recovered.

March 27—Nikolai Volkov, head of the Russian Interior Ministry's construction department was shot dead in Moscow in a residential neighborhood near his home at 10.30pm. A man was seen grabbing Volkov's bag and then shooting him before fleeing. Police, who stated that the body was riddled with bullets, also stated that they believed the motive to be robbery, further suggesting that they did not "believe" that the killing "was directly related" to Volkov's job.

March 23—Denis Voronenkov, 45, Russian politician who fled to Ukraine gunned down outside hotel in Kyiv.

March 21—Nikolai Gorokhov, 53, was thrown/pushed head first from fourth story window. Russian security services claim, "he fell" trying to move a bathtub that was being lifted over a balcony. Experts have replied that when people "fall" from a balcony accidentally, it is almost never headfirst. Unidentified workers were on the balcony. Gorokhov represented Sergei Magnitsky, a fellow Russian lawyer who exposed Russia's largest ever tax fraud. Gorokhov was set to testify in Moscow against investigator in Magnitsky case. He was also consultant for Preet Bharara's anti-Russian mob case in New York. He remains in intensive care, in a coma, with severe head injuries.

March 16—Yevgeny Khamaganov, 35, died in Buryatia from injuries (blunt force head trauma) suffered from when he was attacked on March 10 after reporting on corruption in Siberia.

March 2—Alex Oronov, 69, died of unexplained circumstances, apparently a heart attack. His daughter is married to brother of Michael Cohen, Trump's longtime "consigliere." Ukrainian parliamentarian Andrii Artemenko asked Oronov to set up a meeting in late January with Michael Cohen, where they were joined by former Trump Organization employee Felix Sater, a known mobster and supposed FBI informant. Oronov/Artemenko presented Mr. Cohen with a peace plan for settling territorial disputes between Russia and Ukraine, giving full control of Crimea to Putin, as well as allegedly

compromising information on Petro Poroshenko, that they hoped would force Poroshenko's resignation. Mr. Cohen took their plan and their compromising information and forwarded to then-National Security Advisor Michael Flynn.

February 20—Amb. Vitaly Churkin, 64, Russia's ambassador to the United Nations, died of an apparent heart attack; autopsy proved inconclusive.

February 2—Journalist and opposition politician Vladimir Kara Murza became violently ill and temporarily paralyzed for 2nd time in less than two years due to poisoning. VKM father, in an apparent effort to save his son from Russian authorities, continues to deny that he was poisoned. However, VKM and VKM wife state that it was purposefully effort to poison. VKM wife stated that in 2015 after murder of Nemtsov, a VKM colleague, Russian special services did not want to outright kill her husband with the first poisoning did not want to kill him, only "frighten him and destroy him slowly with illness." However, now they believe they did want to kill him and effort failed since VKM was taken to doctor immediately after showing symptoms. VKM left Russia on Feb. 19 and is now in the U.S. Recently testified at a congressional hearing on the Russian opposition.

January 26—Amb. Alexander Kadakin, 67, Russian envoy to India, died after a short illness. There was nothing "special or extraordinary" about the circumstances that led to his death said his assistant.

January 25—Russian newspaper Kommersant reported the arrests of three men: Sergei Mikhailov, who heads the Center for Information Security, an arm of the Russian intelligence agency FSB; and Ruslan Stoyanov, a senior researcher with Kaspersky Lab, the computer security company. Both men were last seen the first week of December when in a Stalin-style touch, a bag was suddenly thrown over Mikhailov's head during a meeting of fellow intelligence officers, and he was dragged out. Mikhailov has not been seen since. And is now almost certainly dead. Sergei Mikhailov was believed to have been a U.S. intelligence asset within the Russian government. The third arrest was of Dmitry Dokuchayev, a hacker known by the name "Forb."

January 9—Amb. Andrey Malanin, 54, Russian envoy in Greece, was found dead in his apartment in Athens on bedroom floor. Greek police stated that "at first sight" it appears he died suddenly from natural causes. No autopsy was performed, although that is standard procedure when a diplomat dies.

2016

December 26—Oleg Erovinkin, 61, Russian intelligence official found dead in the backseat of his car parked on the streets of Moscow. Russian government agencies have not released an official cause of death. He was a former general in the FSB and served as chief-of-staff to Igor Sechin, the president of state-owned oil giant Rosneft. Russia watchers have speculated that he might have been a source of information in the 35-page dossier that detailed alleged links between the Trump campaign and Russia.

December 20—Amb. Andrey Karlov, 62, Russian ambassador to Turkey, fatally shot in the back in Ankara. The shooter, a Turkish police officer, shouted "do not forget Syria" during the assassination.

December 20—Petr Polshikov, 56, a senior Russian diplomat, was shot to death in his Moscow home. Polshikov's wife came home and found him in their bedroom with a pillow over his face. Underneath the pillow, police found Polshikov with a head wound. Russian Foreign Ministry said Polshikov's

death was likely an accident and had nothing to do with his official government duties.

November 8—Sergei Krivov, 63, Russian official in NYC dies on U.S. Election Day. Krivov worked for the FSB, his cover in the U.S. at the Russian consulate was "security guard." On November 8, NYC police received a 911 call from the Russian consulate. Emergency responders declared him dead at the scene. Krivov had served in the consulate as duty commander involved with security affairs. Russian consular officials first said Krivov fell from the roof. Then, they said he died of a heart attack. The initial police report filed on the day of the incident said Krivov was found "with an unknown trauma to the head." After conducting an autopsy, New York City Medical Examiner ruled that Krivov died from bleeding in the chest area.

August—The World Anti-Doping Agency (WADA) announced that Russian runner Yulia Stepanova's online doping management account had been illegally accessed. The doping scandal, for which she blew off the lid, rocked sport and cost over 100 Russians their place at the Rio Games. The Russian runner says she fears for her life and has been forced to move after hackers tried to find her location. Stepanova has been in hiding in the United States with her husband Vitaly, a former Russian anti-doping official, after giving evidence that the Russian government for years facilitated widespread cheating across nearly all Olympic sports.

July—Interfax news agency reported that Aleksandr Poteyev, 64, an intelligence officer accused of defecting and betraying a ring of Russian spies living undercover in American suburbs, had died in the United States. However, the U.S. has not confirmed these reports. Poteyev exposed Anna Chapman and gang of 10, after defecting and entered witness protection.

February 14—Nikita Kamaev, 52, a former executive director of the Russian anti-doping agency died suddenly apparently of a heart attack according to TASS. He planned to write a book on drug use in sports Britain's Sunday Times newspaper reported.

February 3—Vyacheslav Sinev, 52, a former general director, Russian anti-doping agency died suddenly. Official cause of death was never released.

January 14—Grigory Rodchenkov, 58, the director who ran the laboratory that handled testing for thousands of Russian Olympians and who developed a three-drug cocktail of banned substances that he mixed with liquor and provided to dozens of Russian athletes, helping to facilitate one of the most elaborate—and successful—doping ploys in sports history, fled to the U.S., seeking asylum and protective custody. Within the next month, two of his colleagues died.

January 4—Col. Gen. Igor Sergun, 59, the head of the GRU (Russia's military intelligence directorate), who has long done secretive dirty work at the order of the Kremlin in the war against Ukraine died suddenly. No information provided as to cause of death.

2015

December 27—Major General Aleksandr Shushukin, 52, deputy chief of staff of the Russian paratrooper forces and who led the Russian military invasion in Crimea died suddenly. Blood clots to the heart, Kremlin announced.

November 5—Mikhail Lesin, 57, found dead in his Dupont Circle hotel room in Washington DC. A year later, in October 2016, the Washington DC medical examiner's office confirmed that former Russian press minister died of "blunt force trauma to the head" and also suffered injuries to his neck, torso, arms and legs caused by falls, however determined the cause of death to be acci-

dental due to extreme inebriation. Lesin founded the television network Russia Today (RT). The Daily Beast reports that before his death, Lesin was considering making a deal with the FBI to protect himself from corruption charges. Lesin had been at the heart of political life in Russia and would have known a lot about the inner workings of the rich and powerful.

May—Vladimir Kara Marza, opposition journalist, deputy of Open Russia poisoned for the first time.

February—Boris Nemtsov—just hours after urging the public to join a march against Russia's military involvement in Ukraine, Nemtsov was shot four times in the back by an unknown assailant within view of the Kremlin. Putin took "personal control" of the investigation into Nemtsov's murder, but the killer remains at large.

2013

March 23—Billionaire Boris Berezovsky, instrumental in Putin's rise to power, had a falling out with Putin which led to his self-exile in the United Kingdom, where he vowed to bring down the president. Berezovsky was found dead inside a locked bathroom at his home in the United Kingdom, a noose around his neck, in what was at first deemed a suicide. However, the coroner's office could not determine the cause of death.

2012

Alexander Perepilichny, 44, a former member of the Klyuev Group, dropped dead while jogging in his adoptive home of Surrey, England. There was no cause of death stated, but the assumption by the British coroner's initial finding was that nothing looked suspicious, even though Perepilichny was a healthy 44-year-old with no known chronic or debilitating ailments. Then Monique Simmonds, a researcher at the Royal Botanic Gardens at Kew, hired by the coroner at the behest of Perepilichny's life insurance company, uncovered traces of a rare and toxic plant, gelsemium, in the victim's stomach. Gelsemium, as it turns out, does not grow in the verdant climes of Surrey. It is only found in China, where it is a favored poison of assassins. Russian hitmen, too, have been known to access the flower's quiet, lethal capability. At the time of his death, Perepilichny had been helping the Swiss government locate and freeze chunks of the missing \$230 million, some of which, the U.S. government concluded, wound up in Manhattan real estate and American banks.

2009

November 16—Sergei Magnitsky, anti-corruption attorney died in police custody in Moscow detention center after allegedly being brutally beaten, then denied medical care. He had been working for British-American businessman William Browder to investigate a massive tax fraud case. Magnitsky was allegedly arrested after uncovering evidence suggesting that police officials were behind the fraud.

July 15—Natalya Estemirova was kidnapped outside her home, shot several times—including a point-blank shot in the head—and dumped in the nearby woods. A journalist who investigated abductions and murders that had become commonplace in Chechnya where pro-Russian security forces waged a brutal crackdown against Islamic militants. Like fellow journalist Anna Politkovskaya, Estemirova reported on civilians who often got caught between these two violent forces. Nobody has been convicted of her murder.

January 19—Stanislav Markelov a human rights lawyer known for representing Chechen civilians in human rights cases against the Russian military. He also represented journalists who found themselves in



legal trouble after writing articles critical of Putin, including Novaya Gazeta reporter Anna Politkovskaya, slain in 2006. Markelov was shot by a masked gunman near the Kremlin.

January 19—Anastasia Baburova, a journalist from Novaya Gazeta, was fatally shot as she tried to help Stanislav Markelov. Russian authorities said a neo-Nazi group was behind the killings, and two members were convicted of the deaths.

2008

Semyon Korobeinikov, allegedly a clothing salesman, lost his footing on a balcony and tumbled to his demise. A year later, Korobeinikov was named as the purchaser of Universal Savings Bank, a dubious financial institution that had been fingered by investigators as a way-station for stolen Russian money. Only he didn't buy the bank. It was part of a government ruse to exonerate the true owner, an ex-convict called Dmitry Klyuev, implicated in a series of massive tax frauds that cost Russian citizens \$1 billion. Korobeinikov might have therefore borne witness against Klyuev, if he wasn't conveniently dead.

2006

November 23—Alexander Litvinenko, a former KGB agent, died three weeks after drinking a cup of tea laced with deadly polonium-210 at a London hotel. A British inquiry found that Litvinenko was poisoned by Russian agents Andrei Lugovoi and Dmitry Kovtun, who were acting on orders that had "probably been approved by President Putin." Russia refused to extradite them, and in 2015 the Russian president granted Lugovoi a medal for "services to the motherland." After leaving the Russian Federal Security Service, Litvinenko became a vocal critic of the agency, which was run by Putin, and later blamed the security service for orchestrating a series of apartment bombings in Russia in 1999 that left hundreds dead.

October 7—Anna Politkovskaya, a Russian reporter for Novaya Gazeta whose book, "Putin's Russia," accused the Kremlin leader of turning the country into a police state. She wrote extensively about abuse in Chechnya. She was shot at point-blank range in an elevator in her building.

2004

July 9—Paul Klebnikov, chief editor of the Russian edition of Forbes. He had written about corruption and dug into the lives of wealthy Russians. He was killed in a drive-by shooting in an apparent contract killing.

2003

October—Mikhail Khodorkovsky jailed for ten years.

Sergei Yushenkov, the affable former army colonel, had just registered his Liberal Russia movement as a political party when he was gunned down outside his home in Moscow. Yushenkov was gathering evidence he believed proved that the Putin government was behind one of the apartment bombings in 1999.

July 3—Yuri Shchekochikhin, a Duma deputy, journalist and author who wrote about crime and corruption in the former Soviet Union. He was investigating the 1999 apartment bombings for Novaya Gazeta when he contracted a mysterious illness in July 2003. He died suddenly, a few days before he was supposed to depart for the United States. His medical documents were deemed classified by Russian authorities.

April 17—Sergey Yushenkov, 52, the affable former army colonel, who had just registered his Liberal Russia movement as a political party was gunned down outside his home in Moscow. Yushenkov was gathering evidence he believed proved that the Putin government was behind one of the apartment

bombings in 1999. He was shot three times in the back by a single assailant using a pistol with a silencer, police said. It was the 10th killing of a member of parliament since 1994.

INTERNATIONAL PRESS INSTITUTE FIGURES ON RUSSIAN JOURNALISTS WHO WERE MURDERED OR DIED IN SUSPICIOUS CIRCUMSTANCES

2011—three Russian journalists dead (including newspaper editor Khadzhimurad Kamalov, shot 14 times as he left his office); 2010—two dead; 2009—five dead (including a young reporter from Novaya Gazeta, caught in a hail of bullets); 2008—four dead; 2007—one killed; 2006—two killed, including Anna Politkovskaya, and Yevgeny Gerasimenko—found in his Saratov flat with a plastic bag pulled over his head and computer missing; 2005—two died; 2004—three, including Paul Klebnikov; 2003—three more; 2002—eight editor (including Valery Ivanov, editor, shot in the head); 2001—one; 2000—six dead reporters and editors.

Ms. KAPTUR. Madam Speaker, it is hard for people of goodwill to imagine the depth of depravity that Russia's malevolent dictators will stoop to to serve the narrow, pecuniary, and political interests of the few at the price of the many.

Dr. Timothy Snyder, in his extraordinary book, "Bloodlands," recounts the intergenerational human tragedy wrought by Russian dictators, citing the 14 million civilians, women, children, and families, who were murdered at Russia's hand in eastern and central Europe.

Vladimir Putin is the latest dictator in a long line of them, and, sadly, this dark history from Stalin to Putin continues today. It is instructive that Putin, himself, has written that his grandfather was a trusted cook for Joseph Stalin, working inside the belly of the beast of tyranny.

That is the cocoon from which Russia's Putin has emerged. And now add to those millions of deaths over 10,000 Ukrainian soldiers killed by Russia, with thousands upon tens of thousands more wounded and over 2 million people displaced inside Ukraine, a country that simply wants to be free.

As co-chair of the bipartisan House Congressional Ukrainian Caucus, I can attest our Members are committed to holding Russia accountable for tyrannical and malevolent activity in Ukraine, and even here in the United States.

Madam Speaker, I rise in pursuit of justice for Amina Okuyeva and in solidarity with other freedom fighters in Ukraine. Let her bravery in life serve as an inspiration to us all, and let the international community stand with Ukraine, shoulder to shoulder, as we continue to fight back against Russia's invasion of a sovereign nation fighting for a future free of state-sponsored murder and occupation.

□ 1045

#### GIVE THEM A CHANCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. HARTZLER) for 5 minutes.

Mrs. HARTZLER. Madam Speaker, I rise today in support of an important bill that could help so many families with loved ones struggling with life-threatening diseases. I am talking about the Right to Try Act which would allow terminally ill patients to request access to experimental drugs after all other available treatment options have been exhausted as well as prevent the Federal Government from interfering with States that have already passed such laws.

While Missouri passed a right-to-try law in 2014, I was reminded of the importance of this bill just last year. As I was returning to my office one morning after votes on the House floor, I was stopped by a little boy, Zack Mongiello, who ran after me to catch my attention. Zack, who is only 11 years old, is one of the most effective advocates for the right-to-try campaign. His father, Frank, was diagnosed with ALS a few years ago.

This devastating disease has an average life expectancy of 2 to 5 years, with half of those diagnosed surviving for only 3 years. Ever since that life-changing diagnosis, Zack's family, including his mother and five siblings, have been doing all they can to ensure passage of this important bill.

When Zack came running up to me that day last year, his message was clear and powerful: "My dad is dying," he said. "Please help." I was incredibly moved by this, as I think anyone would be. Here is his picture. This precious little boy, whose family is dealing with the unimaginable, convinced me and numerous other legislators of the urgency of this legislation. We must act now.

I want Congress to help Zack's family and other families who have no other options. Washington should not stand in the way of Americans with life-ending illnesses who want to try to save themselves and have no other available options.

That is why I am a proud cosponsor of the Right to Try Act and was glad to see the Senate pass their version of this bill. It is now time for the House to act, and I call on my colleagues to support this potentially lifesaving legislation. Please join me so that we can give families like Zack's more options and hopefully more time.

#### IMPEACHMENT PROCESS UPDATE

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

Mr. AL GREEN of Texas. Madam Speaker, it is always an honor to speak here in the well of the House of the Congress of the United States of America. I do want to compliment you, Madam Speaker. I heard your statements earlier, and I would like to associate myself with the portion of your statement that dealt with transgender persons.

Madam Speaker, I stand before the world today with an impeachment update. I have previously indicated that

there will be a vote on an impeachment resolution before Christmas. I stand by this. To this end, I will be meeting with appropriate members of House leadership this week to discuss the notification process. I want people to understand how this process works.

I will have the opportunity to read the Articles of Impeachment from the well of the House. After this is done, there will be a time set for me to present them again before the House. It must be done twice. When that time is set, I will have to be notified of the time. I don't set the time. I have to respond at the appropriate time. For me to respond at the appropriate time, appropriate notice has to be given to me.

This is why I will be meeting with House leadership so that we can discuss the means by which appropriate notice will be given to me. We want to make sure there is no confusion about this process and no confusion as to how the notice is to be accorded to me.

I will meet with leadership to ascertain how the appropriate notice will be accorded to me so that I may present the Articles of Impeachment a second time so that, thereafter, there will be a vote on these Articles of Impeachment.

Because the system is such that it can be difficult to understand how people have actually voted, I want you to know that those who vote with me and those who are supportive of advancing the cause of impeachment, I will be proud to announce who they are, and I will give Members further updates as to how this will take place.

But I want to assure every American that this vote on Articles of Impeachment will take place before Christmas, and that this vote will be about the incitement of hate, about how the country is being pushed back, and how America is better than the direction that someone seeks to push us forward into.

This is a great country, and we cannot tolerate hate. This may be one of the few times in the history of the country that persons will be given the opportunity to take a stand against hate by casting the appropriate vote in the Congress of the United States of America.

I will give future updates on impeachment from this podium. I am always honored to stand in the well of the United States House of Representatives.

#### RECOGNIZING FIRST LIEUTENANT PATRICK J. McNULTY, JR.

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

Mr. FITZPATRICK. Madam Speaker, I rise today to recognize First Lieutenant Patrick J. McNulty, Jr., one of my constituents who, on Friday, November 3, received the Silver Star Medal, which is our Nation's third highest award for heroism in combat during the Vietnam war.

On November 7, 1967, Lieutenant McNulty was serving as an artillery forward observer when his unit was attacked. Lieutenant McNulty called in accurate fire on multiple enemy positions, while also directing friendly units. Even after being seriously wounded, Lieutenant McNulty continued to fight. As the enemy began to retreat, Lieutenant McNulty organized the effort to provide aid to his wounded comrades. Lieutenant McNulty's actions saved lives.

Lieutenant McNulty returned home to his wife and raised his children. He purchased a home in Sellersville where he has now lived for 46 years. He earned an MBA from Temple University, worked for the Ford Motor Company, and has been an active member of our community. His story continues to inspire us all.

Madam Speaker, I offer to this body Patrick's personal motto, the same as Navy Seabees: "The difficult we do now, the impossible takes a little longer."

#### HONORING THE LIFE AND MEMORY OF BERNIE LENS

Mr. FITZPATRICK. Madam Speaker, I rise today to honor the life and memory of Bernie Lens, who passed away in May. In his 96 years, Bernie lived a life that impacted a great number of people in our community. Today, months after his passing, his impact is still felt.

In 1939, Bernie enlisted in the Army to fight the war in Europe. During his time there, serving in Patton's Third Army, he helped to liberate Dachau concentration camp.

After the war, he returned home and went about his life, rarely talking about what he had seen, until one day he began to share his story. He was known in our community for his talks with students in schools and community centers working to ensure the horrors of what he saw at Dachau were not forgotten and would never happen again. People gravitated toward him due to his quick wit and his warm demeanor.

He worked closely with the Holocaust Remembrance Program of Post 697 of the Jewish War Veterans in Levittown, Bucks County, which continues his work today.

Bernie found incredible purpose from a dark experience in his life, a lesson that we can all benefit from.

#### RECESS

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

Accordingly (at 10 o'clock and 54 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

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

#### PRAYER

Reverend Dr. Anthony K.R. Gibson, African Methodist Episcopal Zion Church, Indianapolis, Indiana, offered the following prayer:

On this day and before this august body, we pause to prayerfully acknowledge Your presence in this place as the living God. There is none like You. Your dominion will never recess, and Your will will never end.

On this day, O God, saturate this place with Your presence and fill this House with Your spirit. You have not given us the spirit of fear. You have given us the spirit of love, the spirit of compassionate authority, and the spirit of godly judgment.

Holy Spirit, touch the hearts of our elected officials. Let everything done in this Chamber be for Your glory and for Your praise. We bless You in advance for the mercy and truth that will permeate from this House on this day and reach all areas of these United States and, indeed, the uttermost parts of the world.

In Jesus' name we pray.  
Amen.

#### THE JOURNAL

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

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

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### PLEDGE OF ALLEGIANCE

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

Mr. SCHRADER led the Pledge of Allegiance as follows:

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

#### WELCOMING REVEREND DR. ANTHONY K.R. GIBSON

The SPEAKER. Without objection, the gentleman from Indiana (Mr. CARSON) is recognized for 1 minute.

There was no objection.

Mr. CARSON of Indiana. Mr. Speaker, I am pleased to welcome my constituent as our guest chaplain today,



Reverend Dr. Anthony Gibson. He is a lifelong Hoosier and a bright young leader from Indiana's faith community.

Reverend Gibson is the presiding elder of the Indiana Conference of the African Methodist Episcopal Zion Church and the former pastor of the Saint Mark Temple AME Zion Church in Indianapolis, Indiana. The AME Zion Church is a 221-year-old denomination founded in New York City in 1796 that spread across the country, including the Indiana church that was established in 1907.

Dr. Gibson was born in Gary, Indiana. He later attended Indiana University in Bloomington, where he completed a double major in journalism and African-American Studies. He furthered his education at the Presbyterian Theological Seminary in Louisville, Kentucky, with a master's of divinity degree, and he earned his doctorate of philosophy in theology from Trinity Bible College and Seminary. He most recently graduated from Strayer University with a master's degree in human resource management, with a specialization in organizational development.

Mr. Speaker, I would like to thank Reverend Dr. Gibson for his willingness to travel to Washington, D.C., to share his spiritual love and guidance with the House today.

I pray, Mr. Speaker, that his words warm the hearts of my colleagues as we work together to carry out the people's business with compassion and courage.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### CONFIRMATION OF BRIAN LACEFIELD AS KENTUCKY FARM SERVICE AGENCY DIRECTOR

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

Mr. COMER. Mr. Speaker, I rise today to congratulate Mr. Brian Lacefield, who was recently confirmed by President Trump as Kentucky's new Farm Service Agency director. I am thrilled to recognize such a prolific member of the agriculture community as Kentucky's new FSA director.

Brian Lacefield was a successful area agriculture banker and agribusiness leader, most recently serving as market president of FNB Bank in Cadiz, Kentucky. A Hopkinsville native, Lacefield previously served as director of Commonwealth Agri-Finance with Hopkinsville Elevator, and he currently serves on the Kentucky Corn Growers board of directors, the Kentucky FFA Foundation, and the Kentucky Agricultural Leadership Program.

I commend President Trump's selection of Lacefield to serve in such an important capacity.

The FSA plays a vital role in the Commonwealth's agriculture undertakings. Just last year, the agency was responsible for more than \$330 million of payments and loans to Kentucky farmers.

I am grateful our new director brings with him a wealth of experience in agriculture, and I am confident he will serve Kentucky's farmers well. I look forward to working with Director Brian Lacefield in the years to come and continuing to serve Kentucky's agriculture community.

#### TAX CUTS HAVE NEVER PAID FOR THEMSELVES

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS of New York. Mr. Speaker, the White House Council of Economic Advisers issued a report recently asserting that, by cutting the corporate rate from 35 to 20 percent, every American household will see their income increase by \$4,000 to \$9,000 next year and those years after.

The U.S. Treasury Secretary also said that these tax cuts would pay for themselves and produce \$2 trillion in growth over the next decade. In fact, Mr. Speaker, tax cuts have never paid for themselves—not once or ever—in human history.

The White House has a problem in that nobody believes them, not the Congressional Budget Office, not the Tax Policy Center, not the University of Pennsylvania Wharton Business School, and not even Goldman Sachs, from which both the Treasury Secretary and the National Economic Adviser came to the White House.

In fact, each of these nonpartisan institutions that studies and reports on tax and economic policy have stated explicitly that these corporate tax cuts will have near zero impact on future economic growth and add at least \$1.5 trillion in new deficit over the next decade.

Once again, Mr. Speaker, this is fraud being perpetrated against middle America.

#### COMMUNISM'S CENTURY OF DEVASTATION

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

Mr. WILSON of South Carolina. Mr. Speaker, last week, in a column by Heritage Foundation President Ed Feulner in *The Washington Times*, it sadly identified November 7, 1917, as a day of infamy. This day marks the overthrow of the Russian Government by the Bolsheviks, led by Lenin, and the establishment of the murderous communist dictatorship 100 years ago.

This revolution led to horrific deaths. Ed Feulner notes historians estimate that, according to Richard Pipes, 9 million were deceased. Richard

Conquest says at least 20 million and, likely, as many as 30 million died in the Great Terror.

Ed Feulner continued: "Its legacy is also one of grinding poverty. Most of the 88 countries that score 'repressed' or 'mostly unfree' on the Heritage Foundation's Index of Economic Freedom are either communist, former communist, or some type of socialist economy. They are also the world's poorest nations."

Americans still hope for democratic reform in Russia, which, with its extraordinary culture and limitless resources, should be one of the wealthiest nations on Earth.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### LET'S GET REAL

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

Mr. SCHRADER. Mr. Speaker, \$1.5 trillion—no, I guess it is actually closer to \$2.3 trillion with interest—that is the amount this partisan tax reform plan plans to add to our debt and deficit.

I have had a few folks say: "Well, we have had \$10 trillion added to the debt over the last 8 years." With all due respect, Republicans controlled Congress during 6 of those 8 years.

Where are my conservative Republican friends who railed for 8 years on the deficits? Was that just while a Democrat was in the White House? Are we such shallow, political, hypocritical people that we now ignore the greatest threat to our country, our national debt and deficit, just because a Republican is in the Oval Office?

Furthermore, the idea that we will grow our way out of that \$2 trillion hole is fantasy. Let's look at the growth rate after the last big tax cut at the end of 2015.

Since we have passed that tax cut, the growth rate remains steady at 1.5 to 2 percent, no change, that huge tax cut financed with \$650 billion in debt to our kids.

The Wharton School of Business, not exactly a liberal bastion of theology, now estimates that growth factor from this tax reform bill to be less than 1 percent.

Let's get real. Vote against this package. Let's do real tax reform that is deficit neutral at least—for our kids' sake.

#### RECOGNIZING MAGLOCLLEN AND THE REGIONAL INFORMATION SHARING SYSTEMS PROGRAM

(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, I rise today to recognize MAGLOCLLEN,

the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network, and the Regional Information Sharing Systems Program.

Last month, I had the opportunity to tour the MAGLOCLEN site in my district in Newtown, Bucks County, Pennsylvania. As one of six regional centers, they serve Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, the District of Columbia, and Pennsylvania, as well as England and parts of Canada. Their work is integral to keeping local, State, and Federal law enforcement agencies informed and equipped with the tools they need to do their jobs and to keep us safe.

MAGLOCLEN and Regional Information Sharing Systems have supported law enforcement agencies for a combined 40 years. In 2016 alone, in Pennsylvania, MAGLOCLEN saw 299 requests for criminal investigative research assistance.

MAGLOCLEN's holistic approach embodies the best of what an integrated information sharing system can offer to other local, State, and Federal law enforcement agencies.

Mr. Speaker, we are proud of the work MAGLOCLEN does operating on behalf of the Regional Information Sharing Systems Program in my district. We are here to support them and their mission to support our law enforcement community.

#### HONORING WORLD WAR II HEROES

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

Mr. PITTENGER. Mr. Speaker, on Saturday, I had the privilege of honoring six World War II heroes at VFW Post 2423 in Indian Trail, North Carolina. Each hero was awarded the French Legion of Honor Medal by the French consul. They were:

Charles Richardson, who flew 35 combat missions aboard a B-17 over France, the Netherlands, and Germany. Andrew McMahon received the Purple Heart while fighting to liberate France.

William Rachui helped liberate Rome and southern France while earning five Bronze Service Stars.

James Crump landed at Omaha Beach on D-day and received two Bronze Stars and three Purple Hearts.

Aster Rider landed at Omaha Beach on D-day. As a rifleman on the front lines, he was one of only a handful of soldiers to survive.

Harold Granger landed at Utah Beach on D-day. He helped save lives by finding and disarming landmines.

Mr. Speaker, I ask all of my colleagues to join me in thanking these brave patriots for their service to the United States and the cause of liberty.

#### REPUBLICAN TAX PLAN

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

Ms. ADAMS. Mr. Speaker, today I rise for the people of North Carolina's 12th Congressional District, to stand up for the opportunities our community needs, and to reject the "billionaires first" Republican tax plan.

This tax plan fails to hear the American people. It gives tax cuts to corporations on the backs of the middle class.

Last week, I sent a letter to the Ways and Means chair and to Speaker RYAN outlining the 12th District's tax priorities and urging the inclusion of education-related deductions.

Republicans refused to hear the call, so this week I announced my education tax package. This series of amendments includes reinstating the tax-exempt status of private-use bonds used to build infrastructure and affordable housing; reinstating the State and local tax deduction, protecting the funds used to pay for schools, community development, and public safety; reinstating the student loan interest tax deduction; repealing the tax on tuition waivers and student stipends; and incentivizing investments in STEM education.

Communities across the Nation need the increased access to upward mobility, and education, the great equalizer, is the place to start.

I urge my colleagues to support my amendments to make education accessible for all students.

#### RECOGNIZING TRACY BECKER FOR RECEIVING THE KEYSTONE AWARD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Tracy Becker on being awarded the 2017 Keystone Award, which is the highest honor bestowed by the Pennsylvania Association of Chamber Professionals. Tracy Becker is executive director of the Clarion Area Chamber of Business & Industry.

The Keystone Award was established in 1963 to recognize outstanding service in and contributions to the profession of chamber management in Pennsylvania. The award is not presented annually but only when an individual has merited such recognition.

Tracy is just the 24th person to receive this award since its inception 54 years ago. She was nominated by her staff, the Clarion Chamber board members, and fellow members of the Pennsylvania Association of Chamber Professionals.

Tracy began her chamber career in 1987, and she has dedicated her life to the betterment of the community. She has been with the Clarion Area Chamber of Business & Industry for more than 30 years, 13 of those as executive director.

Mr. Speaker, I wholeheartedly congratulate Tracy Becker on this pres-

tigious honor and thank her for making her community a better place to live and work.

□ 1215

#### UNIVERSITY OF TENNESSEE COLLEGE OF LAW'S LEGAL CLINIC CELEBRATES 70TH ANNIVERSARY

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

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise today to congratulate the University of Tennessee College of Law's Legal Clinic on its 70th anniversary. The UT Legal Clinic is a national leader in clinical education.

The clinic has been ranked one of the top 10 legal clinical programs among public universities and 19th among all U.S. law schools. The UT Legal Clinic was founded in 1947, by Professor Charles Miller, and is the longest, continually existing legal clinic in the country.

The clinic provides law students many opportunities to learn by doing. This approach prepares students for both the practice of law and providing legal services to the underprivileged. The work at the clinic has further advanced the cause of justice by serving thousands of indigent clients who cannot afford legal representation.

I want to honor and congratulate the UT College of Law's Legal Clinic on its 70th anniversary and thank it for its honorable service to the legal profession, the people of the State of Tennessee, and to the entire Nation. I wish only the best for the Legal Clinic in future years training and educating outstanding law students.

#### THE MEDIA CAUSE POLITICAL DYSFUNCTION

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

Mr. SMITH of Texas. Mr. Speaker, a recent Washington Post University of Maryland poll asked Americans whom they blame for causing dysfunction in the U.S. political system.

It is no surprise that 88 percent of respondents said the news media caused some or a lot of the dysfunction. Given that the liberal media unfairly blames President Trump for nearly all the problems in our country, they bear the burden of this dysfunction.

Months of liberal biased reporting have shredded the media's credibility in the eyes of most Americans. The media should report the facts objectively. That begins with fair coverage of the President and his administration. So far this year, the media has been anything but fair.

According to a new Harvard study, media coverage of the President's first 100 days was 80 percent negative, a

record for recent Presidents. Until the media becomes less slanted, they will continue to be a source of dysfunction in our political system.

COMMUNICATION FROM THE  
CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 14, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 14, 2017, at 9:39 a.m.:

That the Senate passed without amendment H.R. 1679.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION  
OF H.R. 2874, 21ST CENTURY  
FLOOD REFORM ACT, AND PRO-  
VIDING FOR CONSIDERATION OF  
THE CONFERENCE REPORT ON  
H.R. 2810, NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FIS-  
CAL YEAR 2018

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 616 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 616

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2874) to achieve reforms to improve the financial stability of the National Flood Insurance Program, to enhance the development of more accurate estimates of flood risk through new technology and better maps, to increase the role of private markets in the management of flood insurance risks, and to provide for alternative methods to insure against flood peril, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of that report, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 3. The Clerk shall not transmit to the Senate a message that the House has adopted the conference report to accompany H.R. 2810 until notified by the Speaker or by message from the Senate that the Senate has passed H.R. 4374 without amendment.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 616 provides for consideration of H.R. 2874, the 21st Century Flood Reform Act, and the conference report to accompany H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018.

H.R. 2874, the 21st Century Flood Reform Act, reauthorizes the National Flood Insurance Program for 5 years, introduces great private market competition, and provides additional reforms to benefit policyholders and taxpayers.

Mr. Speaker, the Office of Management and Budget has said that the National Flood Insurance Program, or NFIP, is not fiscally sustainable in its current form. The 21st Century Flood Reform Act helps transition it to a more sustainable program.

Importantly, the bill will help foster a robust product market for flood insurance, which allows private insurers to compete, in turn, driving down the price of policies while creating greater consumer choice. This is a win for policyholders and taxpayers alike.

Representing Alabama's Gulf Coast, it is important to me and my constituents that they have access to affordable flood insurance through the National Flood Insurance Program or a private insurer.

I appreciate the inclusion of provisions in the 21st Century Flood Reform Act to protect current policyholders while making the program sustainable.

I also appreciate Chairman HENSARLING's willingness to work with

Members whose constituents, such as mine, rely very heavily upon the NFIP to address concerns we raised about the initial version of the bill that passed out of committee.

All in all, this bill is a positive step toward reauthorizing our Nation's flood insurance program, which is currently set to expire on December 8. We must take action to ensure coastal homeowners and others in flood-prone areas have access to affordable insurance.

Mr. Speaker, I look forward to working with my colleagues in the Senate to get a long-term reauthorization across the finish line and signed into law by President Trump.

House Resolution 616 also allows for consideration of the final version of the National Defense Authorization Act that was conferenced between the House and the Senate, reconciling the differences between two different versions.

Mr. Speaker, before I go into the substance of the bill, I would like to take a minute to commend the open and regular order process that has taken place from start to finish.

As a member of both the Armed Services Committee and the Rules Committee, I have followed this bill throughout the legislative process and think we should all be proud of the regular order and the fact that a wide range of members played a role in crafting the final product.

I applaud Chairman THORNBERRY, Ranking Member SMITH, and the entire Armed Services Committee staff for their dedication to an open process. I also appreciate the countless hours they have poured into this conference report.

Just as a quick reminder, we considered 275 amendments during the House Armed Services Committee back in June, and another 210 amendments when the NDAA was considered by the full House in July. In total, 485 amendments have been considered in the House, and, just as important, there was a clear bipartisan split between the number of majority and minority amendments.

The conference committee continued this bipartisan and collaborative process under the leadership of four chairmen and ranking members. Once again, this year's NDAA is truly a bipartisan and bicameral bill that provides the best for our military and national security.

Mr. Speaker, this NDAA follows through on our promise to our servicemen and -women and our constitutional duty to provide for the common defense of the United States of America.

The FY18 NDAA conference report authorizes a 10 percent increase in total military spending, reminiscent of the Reagan era defense buildup. The bill authorizes \$626 billion for base budget requirements, \$66 billion for overseas contingency operations, and \$8 billion for other defense activities.

That adds up for a total national defense top line of \$700 billion.

I am incredibly proud to support a top-line number high enough to begin reversing the readiness crisis that has endangered the lives of our servicemembers and made it harder to defend our country.

Over the past 8 years, and under sequestration, our military has suffered. We have planes that can't fly, ships that can't sail, and soldiers who can't deploy, all while the number of threats around the world keep rising.

I want to acknowledge that this top-line number is significantly higher than the Budget Control Act cap for defense. I look forward to continued dialogue with the Appropriations Committee to raise this cap that has crippled necessary defense spending in recent years.

Every day we operate under a continuing resolution or the BCA caps is another day we are failing our men and women in uniform. The FY18 NDAA fulfills the authorization side of the equation, and I am hopeful the appropriations side will follow.

The FY18 NDAA increases the size of the Army, Navy, Air Force, Army Guard and Reserve, Naval and Air Reserve, and Air Guard to repair and restore readiness.

The bill also authorizes construction of 13 new Navy ships, including three littoral combat ships, as we work to grow toward a 355-ship fleet.

In a well-deserved benefit for our troops, the NDAA provides for a 2.4 percent pay increase for servicemembers, which is the amount our troops are entitled to under current law.

Another small but important provision in this bill eliminates the so-called widow's tax, which requires surviving spouses of servicemembers killed in action to forfeit the survivor benefit pension annuity. The financial burden of this tax is something our military families should not bear.

The bill also continues to advance Chairman THORNBERRY's priority of reforming and strengthening the military's acquisition process to make it more effective and efficient.

Importantly, the legislation takes into account the Trump administration's \$6 billion budget amendment to authorize more funding for missile defense threats against North Korea, Navy ship repairs, and more troops in Afghanistan.

Our men and women in uniform all over the world are on a mission to protect and defend the freedoms we hold dear. The way I see it, our mission in Congress is to give these brave men and women the resources they need to succeed. The FY18 NDAA does exactly that and is another step in a multiyear process of restoring our military strength to further protect our national security. Ultimately, this bill is about keeping the American people safe and secure.

Mr. Speaker, I urge my colleagues to support House Resolution 616 and both

of the underlying bills, and I reserve the balance of my time.

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

Mr. Speaker, H.R. 2810, the Fiscal Year 2018 National Defense Authorization Act, takes important steps towards strengthening our national security and supporting our troops.

The conference report authorizes a total of \$692 billion in discretionary budget authority, \$26 billion more than the administration requested.

I am pleased that it raises military pay by 2.4 percent, an increase from the President's request of 2.1 percent.

□ 1230

It also strengthens our efforts to counter Russia's campaign to undermine our democracy by fully funding cybersecurity and cyberspace operations at \$8 billion and it drops harmful restrictions on funding the New Strategic Arms Reduction Treaty extension between the United States and Russia. This treaty continues a bipartisan tradition that began under President Reagan, verifiably reducing both countries' nuclear arsenals.

Mr. Speaker, there is one glaring problem with this measure, and that is that the Budget Control Act imposes a \$549 billion cap on defense spending for fiscal year 2018. This bill blows past that by more than \$143 billion. Unless the Senate, the House, and the President come to an agreement on lifting or modifying the budget caps, there is no way that these spending levels can become law. So far, that agreement is not in the offing and it is past time for a bipartisan compromise on realistic spending levels for defense and non-defense spending alike.

While I am glad to see this pay increase for our troops, this legislation does not exist in a vacuum. Later this week, the Republicans plan to bring to the floor a disastrous tax bill that would force military families and veterans to finance tax cuts for corporations and the superwealthy. The bill repeals tax credits that help veterans find employment. It makes education more expensive for veterans and undermines the GI Bill. It makes it more expensive for military families to sell their homes. It eliminates tax relief for veterans suffering from chronic illnesses.

Veterans Day was just a few days ago, Mr. Speaker, and it is no way for the majority to thank them for their service.

Also before us today is H.R. 2874, which is known as the 21st Century Flood Reform Act. Now, everybody in this Chamber recognizes the National Flood Insurance Program is badly in debt, to the tune of \$25 billion. The hurricanes this year, together with the flooding across Louisiana last year, have stretched the program beyond its breaking point.

Unfortunately, this package will cause more harm than good for the communities already struggling to rebuild. It will make flood insurance more expensive for families by increasing premiums.

It also exempts businesses from the requirement to purchase flood insurance even though the vast majority of policyholders with this insurance only purchase it because they are required to by law. This change would take effect beginning in January 2019.

The Independent Community Bankers and a number of other groups oppose this provision. As businesses pull out of the insurance market and the number of participating dwindles, responsible businesses that stay in the market will be forced to bear the burden of greatly increased premiums. I think these are shortsighted changes that will be felt all across the insurance market.

Additionally, the legislation doesn't do enough to update the often out-of-date flood insurance rate maps being used in communities across the country and in my district. Accurate flood insurance maps prepared with the most recent mapping technologies would help constituents in all of our districts better prepare and protect themselves against flooding. Some current maps are so outdated that the maps don't reflect changing landscapes and critical flood mitigation improvements. This bill simply falls short in helping homeowners who want to do the right thing based off the best available information.

We are in the wake of some of the worst hurricanes our Nation has ever experienced, and more of them. We are seeing how vital, affordable, and readily available flood insurance is to so many communities. It is unconscionable that the majority is moving forward with this partisan package of bills, unlikely to ever pass the Senate, because this will only further delay the extension of the program with 1 month left before it expires.

As the majority lurches from crisis to crisis and fritters away precious legislative time with this partisan approach, we will likely find ourselves right back here doing this over again in December.

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

Mr. BYRNE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. DUFFY), the sponsor of H.R. 2874.

Mr. DUFFY. Mr. Speaker, I want to thank the gentleman from Alabama for yielding.

First, I want to make a comment about how this process has gone in coming up with this compromise with the amendment on the flood insurance package. We have worked in the Financial Services Committee with outside groups, whether it was the home builders or the realtors or the insurance industry. We have worked with Members of Congress from the Gulf States and

from the East Coast and from the West Coast. We worked with Democrats. We had a number meetings with the ranking member of the committee, all taking in their consideration, which has brought us to a compromise that I don't know that anybody loves, but everyone says is a pretty darn good bill that strives to make needed reforms in a program that hasn't been working well. When we have programs that don't work well, let's try to fix them.

We have a program that, as was just mentioned, is \$25 billion in debt, but that doesn't include the \$16 billion we just gave the program and forgave. So really, it is \$41 billion in debt.

So when do we think through the policies of a program that continues to run deficits, number one, but, number two, continues to incentivize people to live in harm's way?

I was down in Houston and I got to see a family who was talking about their next-door neighbor whose house was burning down. He was telling the story about his neighbor, and as the house started on fire, he sent the kids outside—like you would because your house is burning—as the flood waters are rising. The dad went to go put out the fire, and as he was putting out the fire, he looked out the window and saw his kids were being swept away by a flood. The current was too strong, so he ran outside to save his kids and let his house burn.

What are we going to do in that neighborhood that had been flooded three times in the last 10 years?

We are going to rebuild houses in the same flood plain. This doesn't make sense. Let's think about a reform that is going to improve the program, that helps people get out of dangerous areas and get into better areas that don't flood. Having a flooding house isn't a pleasant place to live.

Not only that, first responders risk their lives to go save people, and they die. We are incentivizing through this policy to allow people to live in these dangerous areas. I don't have a lot of time left, but the reforms are going to, yes, gently increase some of the premiums for the most highly subsidized properties called the pre-FIRM properties. We offer over \$1 billion in mitigation to help families flood-proof their home or get out of their home and go to a better place to live because this improves the solvency of flood insurance. We are helping them with mitigation.

We are helping them with mapping, allowing communities that haven't been mapped to actually map themselves, to pay for it, to take care of their own future and destiny instead of waiting for the Federal Government. We allow for a private market to come in and offer you a premium that might be lower than the Federal Government.

God forbid we offer a family a choice to let the private sector compete with a public offering. My God, if you get a lower price, that is great. If you don't get a lower price, you can stay in the Federal plan.

My goodness, I am going to have some people come up in a second and say: But you could cherry-pick, and that could jeopardize the solvency of the program.

The program is insolvent. It is \$25 billion in debt—actually, \$41 billion, if you include that \$16 billion. It is not a solvent program.

Just think if in Houston and in Florida we had people who had bought insurance in the private market, we would be saving taxpayers money. This is a commonsense bill that makes the program better, that helps families, that empowers communities. Let's stand together. A little bit of reform might go a long way in making government actually work, so I would encourage all of my colleagues on both side of the aisle to vote "yes" for common sense.

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

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ESPAILLAT) to discuss our proposal.

Mr. ESPAILLAT. Mr. Speaker, I thank the gentlewoman from New York for yielding.

Mr. Speaker, there are 2,400 DACA recipients in my district. "We are not one," "no somos uno." There are 30,000 DACA recipients in my home State of New York. "We are not 100," "no somos cien." There are 800,000 DACA recipients in the country. As of this year, there were more than 10,000 noncitizens serving in the U.S. military and an additional 12,000 noncitizens under Reserve status. "We are millions, count us well," "somos millones, cuentanos bien."

DREAMers are veterans, teachers, nurses, college students; and DREAMers are also MacArthur genius fellows. Cristina Jimenez is a MacArthur genius fellow, a powerhouse championship for immigrant youth, and, like me, she is also a CUNY alum and she grew up undocumented.

This is why I urge my colleagues to bring a clean Dream Act to the House floor. H.R. 3440, the Dream Act, would not provide automatic amnesty, as I have heard some of my colleagues incorrectly say. The Dream Act has an 8-year conditional basis of permanent residency status. You have to either work for 3 years, serve in the Armed Forces, or study. You have to keep a clean record, get a background check,

and a medical exam. Then, and only after then, for a few more years, you can apply for citizenship.

Mr. Speaker, I ask my colleagues to vote against the previous question so that we can immediately bring the Dream Act to the floor and provide certainty, hope, and opportunity for 800,000 talented young people. Our country needs them and we cannot afford to wait another day.

Mr. BYRNE. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. NORMAN).

Mr. NORMAN. Mr. Speaker, I rise today to speak in favor of H.R. 2874, the 21st Century Flood Reform Act.

This act is near and dear to my heart. That is how I make my livelihood. I am a real estate developer. We build houses. We build commercial projects. All that stops unless reform is made in the Flood Insurance Program. This bill proposes major reforms to one of the Federal Government's most broken programs, the National Flood Insurance Program.

The Government Accountability Office has labeled the NFIP a high-risk program mainly because policyholders often pay premiums well below the actual risk of flooding on their properties.

H.R. 2874 requires FEMA to conduct an annual actuarial review of the status of the NFIP that will allow FEMA to adjust rates appropriately and help maintain the program's financial stability.

Currently, there are 4.92 million NFIP policies providing \$1.23 trillion in coverage to Americans. Many of these properties are what this bill defines as multiple loss properties, where NFIP claims have been filed repeatedly.

This bill requires FEMA to raise premiums on multiple loss properties by 15 percent annually if the premiums do not reflect the full risk. This is just another step toward FEMA improving the financial stability of the NFIP.

Often, with the Federal Government, there are changes and agreements made behind closed doors with little or no public comment. H.R. 2874 requires FEMA to publish an explanation and to hold public hearings in regards to any changes to premiums on policies. This is an excellent example of making the government more transparent and helping policyholders more accountable.

Lastly, the 21st Century Flood Reform Act requires the Government Accountability Office to conduct a study on how we can simplify the NFIP. With our country being battered by hurricanes and heavy rainfall, we need to ensure that the NFIP is placed in sound financial footing for future generations.

Mr. Speaker, for these reasons, I urge my colleagues to support this all-important legislation.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PALONE), the distinguished ranking member of the Committee on Energy and Commerce.

□ 1245

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from New York, the ranking member of the Rules Committee, for yielding.

Mr. Speaker, I rise today in opposition to the bill and also to the rule. Just a few weeks ago, we observed the fifth anniversary of Superstorm Sandy. New Jersey's recovery from that traumatic event has been prolonged in part by issues facing the National Flood Insurance Program. Too many of my constituents are still dealing with high premiums and inaccurate flood maps or are still waiting for their Sandy claims appeals to be decided.

We need a long-term NFIP reauthorization that focuses on increasing affordability, investing in mitigation, capping the profits of flood insurance companies, and comprehensively restructuring the claims process—and this bill fails these tests.

H.R. 3823 would undermine the NFIP by allowing the development of a private flood insurance market, opening the door to allowing insurance companies to cherry-pick low-risk properties while leaving high-risk ones in the NFIP. This bill does not do enough to address affordability issues and actually increases rates for some policyholders. It will allow commercial properties to opt out of mandatory coverage even if they are in a high-risk zone, which will further decrease the pool and weaken the program.

Finally, this bill simply does not do enough to improve transparency and reform the claims process. Enactment of this legislation would make flood insurance more expensive and less available, while not actually addressing the program's many problems.

I have actually introduced legislation to tackle NFIP's issues head-on. The bill is the bipartisan SAFE NFIP Reauthorization Act, which would reauthorize the program, cap premium rate increases, authorize funding for more accurate flood mapping, reform the appeals process, and cap the compensation of flood insurance companies.

I also offered amendments to the Rules Committee that would improve this bill, including a 10 percent cap on premium increases, increasing the increased cost of compliance from \$30,000 to \$100,000, capping the profits of flood insurance companies, and other pro-policyholder provisions, but none of these amendments were accepted by the Rules Committee.

I hear my Republican colleagues talk about transparency. In fact, this is the 50th closed rule of the year, an all-time record for closed rules. They blocked both Democratic and Republican amendments. The Rules Committee says in its report this is a closed rule. If it is a closed rule, then how can they talk about transparency or process?

Some of my Republican colleagues who offered amendments that were denied were Mr. DONOVAN of New York, affected by Sandy; Mr. GRAVES of Lou-

isiana, affected by Katrina; and Mr. PASCARELL and I, who went through Superstorm Sandy.

It is incredible to me that we had a number of Democrats and Republicans who really wanted to reform the flood insurance program in an effective way based on their experiences—not some ideology—based on their experiences in the superstorms that we saw that impacted our districts, and the Rules Committee denied every one of those amendments.

Mr. BYRNE. Mr. Speaker, I just would point out to the gentleman that the Democrats have highlighted the number of amendments not made in order during the first session of the 115th Congress; however, in the 111th Congress, their majority blocked nearly 3,000 amendments, with roughly 2,400 of those occurring in the first session. So, far be it from the case that Republicans have blocked an inordinate number of amendments. We blocked far less amendments than our Democratic colleagues did when they were in control of the House.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Ms. CHENEY), who is my fellow colleague on the Rules Committee and the Armed Services Committee.

Ms. CHENEY. Mr. Speaker, I would also like to thank my colleague, Mr. BYRNE, for his hard work, both on the Armed Services Committee and on the Rules Committee, on this important rule.

Mr. Speaker, I rise today in strong support of the rule that will allow for consideration of the National Defense Authorization Act for Fiscal Year 2018.

Mr. Speaker, as elected Members of this body, we have no higher obligation or responsibility than to provide for the support and the defense of our Nation. No matter what else we do in this body—and we debate very big, important issues. We debate tax cuts, we debate healthcare, and these are crucial issues, but none of those issues matters if we fail to get the resources necessary to defend this Nation from our adversaries.

For far too long, Mr. Speaker, we have failed to do that. Over the last 8 years, we have seen policies that have failed to provide the kind of resources our Defense Department needs. We have also seen, Mr. Speaker, legislation from this body—in particular, the Budget Control Act—that has caused significant damage to the military.

We have heard on the Armed Services Committee, week after week, briefings from every layer of the military—from the Chairman of the Joint Chiefs, from the Secretary of Defense, and from the combatant commanders—briefings about the extent to which there is a gap that is growing between our abilities and the abilities of our adversaries. Now, this is a gap that people seem to want to ignore, Mr. Speaker, but we do so at our own peril.

I think that we need, as Members of this body, to think very carefully

about what we are going to say to our children and our grandchildren one day if they say to us: Why didn't you do all you could to ensure for the defense of this Nation? Why didn't you do all you could when you were in a position to provide the resources?

Mr. Speaker, one of the reasons we don't do all we can is because we enable the Senate rules. We have gotten ourselves in a situation, through the Budget Control Act and through the way that we do budgeting in this House, where we enable the dysfunction of the United States Senate, and we let the United States Senate be in a position where, in fact, they prevent us from doing what we know is right from a policy perspective.

I am very proud of this piece of legislation, Mr. Speaker, because what this does, in a bipartisan fashion, is begin to fix that. It begins to remedy the situation. It begins to allow our military to get out from under the burden, the hole that they have been in for the last 8 years.

Funds authorized in this NDAA will ensure that we are able, for example, to modernize our strategic forces. It will also ensure, Mr. Speaker, that we are able to begin to provide funding for the kind of missile defense that we know we need in a situation in which our adversaries have gained tremendous ground.

Mr. Speaker, when we have the Chairman of the Joint Chiefs come before the committee and tell us in public session that, if we continue on the path we are on, within 5 years we will not be able to project our power, every Member of this body needs to stop everything else they are doing and listen to that warning. If we can't project our power, then we cannot defend this Nation.

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

Mr. BYRNE. Mr. Speaker, I yield the gentlewoman from Wyoming an additional 30 seconds.

Ms. CHENEY. There are many Members of this body, Mr. Speaker, on both sides, who like to quote a former Chairman of the Joint Chiefs that the debt is the biggest national security threat we face. That is only half of his quote. The second half of his quote was that the debt is the most significant threat we face because it prevents us from being able to resource our military.

So, Mr. Speaker, I am proud to be here today to stand in support of this rule and to stand in support of the National Defense Authorization Act and the important progress that it allows us to begin to make to rebuild our military and undo the damage of the last 8 years.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the ranking member for yielding.

I rise in opposition to this record-breaking closed rule, the 50th closed rule in a year, which is more than any time in any yearly period previously.



I think our rules should be open. I think closed rules are not good for this institution regardless of who does it, and I would urge the majority party to think about open rules so that the legislature can truly work its way.

The legislation itself includes a handful of measures that I authored—I am happy about that—to require reporting on Russia's role in the Balkans, including Serbia's defense relationship with Russia; to enhance congressional oversight of changes made to policies and legal interpretations that govern security operations; a strategy to improve transparency and civilian protection in Nigeria; and a requirement for a Defense Department official to protect cultural heritage, the looting and trafficking of which is a funding source for terrorism. We voted on that here on the floor and it has passed.

I am also pleased that we have included continued support for Israel's missile defense. This system is critical to Israel's security, considering the threats that Israel faces from Iran, Hamas, and Hezbollah.

Mr. Speaker, even though I am ranking member of the House Foreign Affairs Committee, I am glad to see these measures in this bill because they all belong in this bill. They are related to our national security. Indeed, I strongly support the measures in this bill that provide authorities and resources necessary for our military to carry out its missions.

But, as we have seen again and again in recent years, this defense authorization continues an unsettling trend toward involving the Defense Department in activities outside its core competencies. In my view, we need to preserve and strengthen the important roles of the State Department and USAID.

We wouldn't ask our diplomats or our development experts to do the jobs of our men and women in uniform, so we shouldn't be asking our servicemembers to do the work that has traditionally resided in our civilian foreign policy agencies.

I want to caution against continuing down this road, and I hope that, in the years ahead, we can work to support our diplomatic and development efforts in the same way we support our national defense. After all, America's security depends on all these efforts working together.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman from New York an additional 1 minute.

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman for yielding to me.

Let me say, in conclusion, I hope that, in the years ahead, we can work to support our diplomatic and development efforts in the same way we support our national defense. After all, America's security depends on all of these efforts working together, and it is important to remember that.

Mr. BYRNE. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, I want to thank the gentleman from Alabama for yielding.

Mr. Speaker, there are fundamental problems with flood insurance. We all know that. The program, by some estimates, has a debt, recently, of up to \$24 billion, and it is going to be compounded by Hurricanes Maria, Irma, and Harvey and the other disasters that we have had this year. We have had extraordinary damages this year.

But what is being missed is that this legislation really doesn't even fix the problem. You can look back over the last 37 years. Since 1980, we have had 218 disasters that have exceeded \$1 billion. We have spent \$1.3 trillion responding to these disasters.

This bill is projected to, perhaps, save \$18 million a year—\$18 million, I will say it again. We have spent \$1.3 trillion since 1980. There are fundamental problems that need to be addressed.

Mr. Speaker, 40 percent of this Nation's population lives in just 10 percent of the land area adjacent to the coast—10 percent. Forty percent of the population lives there, and it is growing. It is going up. We have got to get good at resiliently living in these coastal areas.

Now, let me show you something, and this is what is happening in Louisiana. Louisiana drains, literally, from Montana to New York, and the Canadian Provinces are all coming down.

Mr. Speaker, as we get additional development in the United States, what happens with that water? It comes down to us.

So let me give you a scenario.

Somebody builds their dream home or somebody starts a small business, and they fully comply with the regulations that are in place at the time for baseline elevation. They build a home or business exactly where it is supposed to be. They start getting additional water down from this watershed or maybe from the coast because the Corps of Engineers has caused 2,000 square miles of the coast of this Nation to erode.

So, yes, we are more vulnerable. We are getting more water down or we have the Gulf of Mexico encroaching on our citizens.

Why should our citizens be responsible for that? They have no control over what is happening. They have complied with the regulations and complied with the guidelines at the time of construction.

Mr. Speaker, I view this as a tax. If our citizens are being burdened with additional fees or expense as a result of the government's inability to do its job to properly manage resources and water, then that is not a premium increase; that is a tax, Mr. Speaker.

While I commend people for working on this bill and trying to address this, the fundamental premise of the bill is

flawed. It is fundamentally flawed. You can't charge people for things over which they have no control. You can't charge people whenever they stepped up and did exactly what the government told them to do when they built a home or built a business.

These things aren't portable structures. You can't just pick up a home and say, "I am going to move it." You can't pick up a business and say, "I am going to move it."

But that is exactly what this bill does. It increases the premiums and, in some cases, even kicks them out of their homes and businesses, these dream homes and these lifesaving investments.

Mr. Speaker, I urge opposition to the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, let me yield myself 30 seconds because I was very impressed, yesterday, with Mr. GRAVES and the thoughtful work that he had done. I am sorry his amendments were not made in order, but I appreciate very much his homework on this bill, and I agree with him.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy.

I was listening to our friend from Louisiana, and I sympathize with much of what he was saying. I have been working on flood insurance reform for 20 years.

□ 1300

We are caught in a dynamic here where it is never really good enough and there are challenges for people who played by the rules at the time.

The problem is that we are not doing a good job of evaluating, moving forward, and making the changes. It is true that some of this has an impact on Louisiana. I am sensitive to that. But at the same time, there are policies that have been resisted by some of those same state leaders.

We must swallow hard and understand that we are on a path here that impacts people all across the country. We do not have accurate flood maps, and people resist updating them. We have many people who are paying far less than the actuarial costs for their flood insurance. There are millions more who are subsidizing all this because they are paying unfair premiums. We do not invest in pre-disaster mitigation. We will save \$4 in disaster relief for each dollar we invest upfront to protect property and lives.

I am prepared to support the underlying bill. It is not perfect. There are changes that I would make. I understand some of the challenges that people are going to suggest in terms of the impact on some lower-income citizens. I sympathize with that, but the answer is not to continue to keep people in harm's way. The answer is not to rebuild people's homes right back where they are going to be putting their property and their families at risk. We

should not continue to resist reform, because it is hard. Ultimately, that adds to the price tag and it adds to the dislocation.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. BLUMENAUER. Mr. Speaker, it is important that we don't lose an opportunity to start changing this situation.

When the floods came in Houston, I got calls from some reporters because I had been dealing with problems in Houston going back 20 years. This is an example of where we failed to deal with repetitive flood loss and where we have watched unchecked sprawl put millions of people at risk for greater harm.

This bill isn't perfect, but I hope that it starts the process where we can come together as it goes through the legislative process. I hope we can make adjustments to start us along that path, and that we start swallowing hard, making sure that everybody gives up a little.

The Federal Government needs to invest more. People need to stop building in harm's way. We need to do a better job of flood recovery and pre-disaster mitigation. I think this bill represents a good faith start along that path, and I hope we can use it as a foundation for further progress.

Mr. BYRNE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROSS), a very happy Auburn Tigers fan.

Mr. ROSS. Mr. Speaker, I am proud to rise in support of the rule and the underlying bill, H.R. 2874.

Homeowners deserve choice; they deserve competition; and, above all, they need to know the true risk their homes face from floods, the most costly of all natural disasters.

I believe the underlying bill allows the freedom to insure against obvious danger that imperils people's homes and their wallets. I am particularly enthusiastic about the inclusion of my bipartisan legislation to facilitate the development of a robust private flood insurance marketplace.

After months and even years of negotiations, we have produced legislation that appropriately balances the need for affordable flood insurance with our responsibility to act as faithful stewards of taxpayer dollars.

Everyone knows that the National Flood Insurance Program is broken. We should act accordingly. We need to fix it. But before we do that, we must agree to proceed.

Less than a month ago, many of us voted to bail out this floundering program, forgiving \$16 billion of its debt. But we knew that it would be irresponsible to merely kick the can down the road. This is the opportunity to make things right.

I believe we need to proceed with the debate because we need to have a rea-

sonable and responsible conversation about fixing this problem before it gets worse. Americans deserve better than a Big Government insurance monopoly that is unable to pay for the risk it insures.

The 21st Century Flood Reform Act will usher in a new era of consumer choice, competition, and affordability by empowering policyholders to purchase the insurance products that best meet their needs.

We are getting rid of the top-down, single-payer approach to insurance where we pretend there is no danger until there is a tragedy.

Giving consumers choice in a competitive marketplace will not only drive down costs, but will also help reduce the unacceptable number of homes that are not protected by flood insurance.

The NFIP can be an important tool for mitigating flood risks and helping families recover from disasters after they strike, but it cannot be the only tool. A Federal program that conceals actual risk through artificially low rates is neither compassionate nor responsible.

People deserve to know when they are in danger. When the Federal Government provides them with information that suggests otherwise, we do more harm than good.

We cannot expect to have educated, thoughtful consumers if we deprive them of the market information that is needed to make the smart decisions. By putting policyholders on a slow path to sound premium rates, we are stepping towards a future where the threats of major floods are confronted before they are realized.

I think we all agree that more needs to be done to mitigate flood risks and incentivize investments in resiliency. We can take the first steps by eliminating the false security that inoculates our society to the dangers of flooding.

Let's remove the blindfold we have placed over the public's eyes. Let's gradually walk back the subsidies that conceal a homeowners risk. It is time for this Nation to confront this threat with clear eyes and a vision for the future. This bill is the first step in the right direction.

In closing, I want to thank Chairman HENSARLING and Housing and Insurance Subcommittee Chairman DUFFY for their tenacity and commitment to paving the way for a safer and more affordable system for managing flood risks in this country. Flood insurance is one of those rare issues that transcends political boundaries.

I once again urge my colleagues to vote "yes" on the rule and also on the underlying bill.

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

Mr. Speaker, the National Defense Authorization Act isn't perfect. Most notably, it blows past the caps implemented under the Budget Control Act. But there are areas of common ground

in this bill, including a pay raise for our military and investments to fill the genuine readiness gaps in our Armed Forces.

I want to point out that they are the result of something that is all too often nonexistent under the majority, and that is regular order. I agree with what my colleague said, to see a bill under regular order is a downright joy. I hope we do more of it.

A hearing and a markup were held for this bill and colleagues from both sides of the aisle were consulted. That is how the Chamber was designed to function, but, today, it hardly functions like that at all.

It is a shame that we don't also see the majority put this model to use for other major legislation like healthcare and tax reform, which we will be rushing through to get to tomorrow.

This is a process that we didn't see for the other measure before us today, which is H.R. 2874. No hearing was ever held on the package in its entirety. It was changed right up until it was considered by the Rules Committee earlier this week in an effort not to get Democrat support, but to get enough support from Members of the majority so that it could pass on a party-line vote.

That is what we see under this leadership: no hearings and rarely any markups.

Legislation to repeal the Affordable Care Act, which would impact one-sixth of our economy, was passed without so much as a score from the non-partisan Congressional Budget Office outlining its impacts and its costs.

This Congress has broken the record for the use of closed rules, which prevents any amendments from being offered by either side on the House floor. It is now the most closed Congress ever.

In fact, one of the rules before us right now is closed. We are even likely to consider the majority's bipartisan tax plan this week—actually, tomorrow—which would increase the deficit by \$1.5 trillion, yet under another closed rule and without scoring.

The United States Congress has been called the greatest deliberative body in the world. I think it is time the majority change course and actually allow the great debates about the issues that we face. The legislation we consider would certainly be better for it.

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

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

Mr. Speaker, I represent a coastal area of Alabama, and flood insurance is extremely important to many of my constituents. It is very important to me to fulfill my job on their behalf to make sure that we have a Flood Insurance Program that is there for many years to come. But we know that it is actuarially insolvent. So we have to make changes in the program.

As the gentleman from Oregon said, change is hard and reforms are hard.

But the gentleman from Florida and, before him, the gentleman from Wisconsin, the sponsor of the bill, made very good points. The reforms we are making in this bill for the Flood Insurance Program will allow it to be successful for years to come and also protect the taxpayers of America. I think we have a responsibility to do that.

The other bill under this rule, the conference report on the National Defense Authorization Act, represents a very important inflection point.

We are now moving to repair the damage we have done to our military these last several years. This is a 10 percent increase for our military so that we can help them rebuild their readiness and the equipment they need to defend us with this ever-increasing matrix of threats, not the least of which is North Korea. We put even more money in this authorization to defend against a missile attack from North Korea.

We are at the beginning of something historic here with this bill, and that is rebuilding the United States military, much like it was done 30-plus years ago when President Reagan was in office.

Mr. Speaker, I urge all of my colleagues to support House Resolution 616 and the underlying bills.

Ms. LEE. Mr. Speaker, I want to thank Ranking Member SLAUGHTER for her tremendous leadership on so many of these very critical issues.

Mr. Speaker, I rise in strong opposition to this rule and to H.R. 2810, the Fiscal Year 2018 National Defense Authorization Act. This bill authorizes \$700 billion in defense spending for our already out-of-control Pentagon budget. It would also increase funding by \$66 billion for wars that Congress has never debated or voted on. And once again, my Republican colleagues have used off-the-books spending gimmicks to further expand the already-bloated Pentagon budget.

Mr. Speaker, enough is enough.

Instead of writing blank checks to the Pentagon, Congress needs to live up to its constitutional obligation to debate matters of war and peace. We need to rip up the 2001 blank check for endless war. We need to stop funding wars without end.

Simply put, Mr. Speaker, we need to do our job.

And this Defense Authorization Act does just the opposite. It allows Congress to kick the can down the road AGAIN, while funding wars with no debate on the costs and consequences to our troops or to the American people.

Mr. Speaker, I do have to say that I am pleased by the passage of my amendment, which I co-authored with my good friend Congressman BURGESS, to report on the audit-readiness of the Pentagon. This is a good first step, but much work remains to bring some accountability to Pentagon spending.

So I call on Speaker RYAN to act to actually audit bloated Pentagon spending and to bring forth an authorization so Congress can vote up or down on these wars.

I urge my colleagues to vote 'NO' on the Rule and the underlying bill and reject this wasteful spending.

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

AN AMENDMENT TO H. RES. 616 OFFERED BY  
MS. SLAUGHTER

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

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

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

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative

Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

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

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

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

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

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

The yeas and nays were ordered.

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

Adopting the resolution, if ordered; and

Agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 234, nays 189, not voting 10, as follows:

[Roll No. 626]

YEAS—234

Abraham	Bost	Collins (NY)
Aderholt	Brady (TX)	Comer
Allen	Brat	Comstock
Amash	Brooks (AL)	Conaway
Amodel	Brooks (IN)	Cook
Arrington	Buchanan	Costello (PA)
Babin	Buck	Cramer
Bacon	Bucshon	Crawford
Banks (IN)	Budd	Culberson
Barletta	Burgess	Curbelo (FL)
Barr	Byrne	Curtis
Barton	Calvert	Davidson
Bergman	Carter (GA)	Davis, Rodney
Biggs	Carter (TX)	Denham
Bilirakis	Chabot	DeSantis
Bishop (MI)	Cheney	DesJarlais
Bishop (UT)	Coffman	Diaz-Balart
Blackburn	Cole	Donovan
Blum	Collins (GA)	Duffy

Duncan (SC)	Kinzinger	Rohrabacher	Lowenthal	Payne	Sinema	LaHood	Paulsen	Smith (MO)
Duncan (TN)	Knight	Rokita	Lowey	Perlmutter	Sires	LaMalfa	Pearce	Smith (NE)
Dunn	Kustoff (TN)	Rooney, Francis	Lujan Grisham,	Peters	Slaughter	Lamborn	Perry	Smith (NJ)
Emmer	Labrador	Rooney, Thomas	M.	Peterson	Smith (WA)	Lance	Pittenger	Smith (TX)
Estes (KS)	LaHood	J.	Luján, Ben Ray	Pingree	Soto	Latta	Poe (TX)	Smucker
Farenthold	LaMalfa	Ros-Lehtinen	Lynch	Polis	Speier	Lewis (MN)	Poliquin	Stefanik
Faso	Lamborn	Roskam	Maloney,	Price (NC)	Suozi	LoBiondo	Posey	Stewart
Ferguson	Lance	Ross	Carolyn B.	Quigley	Swalwell (CA)	Long	Ratcliffe	Stivers
Fitzpatrick	Latta	Rothfus	Maloney, Sean	Raskin	Takano	Loudermilk	Reed	Suozi
Fleischmann	Lewis (MN)	Rouzer	Matsui	Rice (NY)	Thompson (CA)	Love	Reichert	Taylor
Flores	LoBiondo	Royce (CA)	McCollum	Richmond	Thompson (MS)	Lucas	Renacci	Tenney
Fortenberry	Long	Russell	McEachin	Rosen	Titus	Luetkemeyer	Rice (SC)	Thompson (PA)
Fox	Loudermilk	Rutherford	McNerney	Roybal-Allard	Tonko	MacArthur	Roby	Thornberry
Franks (AZ)	Love	Sanford	Meeks	Ruiz	Torres	Marchant	Roe (TN)	Tiberi
Frelinghuysen	Lucas	Scalise	Meng	Ruppersberger	Tsongas	Marino	Rogers (AL)	Tipton
Gaetz	Luetkemeyer	Schweikert	Moore	Ryan (OH)	Vargas	Marshall	Rogers (KY)	Trott
Gallagher	MacArthur	Scott, Austin	Moulton	Sánchez	Veasey	Mast	Rohrabacher	Turner
Garrett	Marchant	Sensenbrenner	Murphy (FL)	Sarbanes	Vela	McCarthy	Rokita	
Gianforte	Marino	Sessions	Nadler	Schakowsky	Velázquez	McCaul	Rooney, Francis	
Gibbs	Marshall	Shimkus	Napolitano	Schiff	Walz	McClintock	Rooney, Thomas	Valadao
Gohmert	Massie	Shuster	Neal	Schneider	Wasserman	McHenry	J.	Wagner
Goodlatte	Mast	Simpson	Nolan	Schrader	Wasserman	McKinley	Ros-Lehtinen	Walberg
Gosar	McCarthy	Smith (MO)	Norcross	Scott (VA)	Schultz	McMorris	Rosen	Walden
Gowdy	McCaul	Smith (NE)	O'Halleran	Scott, David	Waters, Maxine	Rodgers	Roskam	Walker
Granger	McClintock	Smith (NJ)	O'Rourke	Serrano	Watson Coleman	McSally	Ross	Walorski
Graves (GA)	McHenry	Smith (TX)	Pallone	Sewell (AL)	Welch	Meadows	Rothfus	Walters, Mimi
Graves (LA)	McKinley	Smucker	Panetta	Shea-Porter	Wilson (FL)	Meehan	Rouzer	Weber (TX)
Graves (MO)	McMorris	Stefanik	Pascarell	Sherman	Yarmuth	Messer	Royce (CA)	Webster (FL)
Griffith	Rodgers	Stewart				Mitchell	Russell	Wenstrup
Grothman	McSally	Stivers				Moolenaar	Rutherford	Westerman
Guthrie	Meadows	Taylor				Mooney (WV)	Sanford	Williams
Handel	Meehan	Tenney				Mullin	Scalise	Wilson (SC)
Harper	Messer	Thompson (PA)				Murphy (FL)	Schneider	Wittman
Harris	Mitchell	Thornberry				Newhouse	Schweikert	Womack
Hartzler	Moolenaar	Tiberi				Noem	Scott, Austin	Yoder
Hensarling	Mooney (WV)	Tipton				Norman	Sensenbrenner	Yoho
Herrera Beutler	Mullin	Trott				Nunes	Sessions	Young (AK)
Hice, Jody B.	Newhouse	Turner				Olson	Shimkus	Young (IA)
Higgins (LA)	Noem	Upton				Palazzo	Shuster	Zeldin
Hill	Norman	Valadao				Palmer	Simpson	
Holding	Nunes	Wagner						
Hollingsworth	Olson	Walberg						
Hudson	Palazzo	Walden						
Huizenga	Palmer	Walker						
Hultgren	Paulsen	Walorski						
Hunter	Pearce	Walters, Mimi						
Hurd	Perry	Weber (TX)						
Issa	Pittenger	Webster (FL)						
Jenkins (KS)	Poe (TX)	Wenstrup						
Jenkins (WV)	Poliquin	Westerman						
Johnson (LA)	Posey	Williams						
Johnson (OH)	Ratcliffe	Wilson (SC)						
Jones	Reed	Wittman						
Jordan	Reichert	Womack						
Joyce (OH)	Renacci	Yoder						
Katko	Rice (SC)	Yoho						
Kelly (MS)	Roby	Young (AK)						
Kelly (PA)	Roe (TN)	Young (IA)						
King (IA)	Rogers (AL)	Zeldin						
King (NY)	Rogers (KY)							

## NOT VOTING—10

Black  
Bridenstine  
Dent  
Johnson, Sam

□ 1337

So the previous question was ordered.  
The result of the vote was announced  
as above recorded.

The SPEAKER pro tempore. The  
question is on the resolution.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic de-  
vice, and there were—yeas 233, nays  
187, not voting 13, as follows:

[Roll No. 627]

YEAS—233

NAYS—187

Adams  
Aguilar  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan  
F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Capuano  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Correa

Costa  
Courtney  
Crist  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren

Abraham  
Aderholt  
Allen  
Amodei  
Arrington  
Babin  
Bacon  
Barks (IN)  
Barletta  
Barr  
Barton  
Bergman  
Biggs  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Coffman  
Collins (GA)  
Collins (NY)  
Comer  
Comstock

Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Culberson  
Curbelo (FL)  
Curtis  
Davidson  
Davis, Rodney  
Denham  
DeSantis  
DesJarlais  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Fox  
Jones  
Jordan  
Joyce (OH)  
Katko  
Gallagher  
Garrett  
Gianforte  
Gibbs  
Gohmert  
Goodlatte  
Gosar  
Gowdy

Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Handel  
Harper  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Hill  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
Labrador

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

## NAYS—187

Doyle, Michael  
F.  
Ellison  
Engel  
Eshoo  
Española  
Esty (CT)  
Evans  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Gomez  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal

Lowey  
Lujan Grisham,  
M.  
Luján, Ben Ray  
Lynch  
Maloney,  
Carolyn B.  
Maloney, Sean  
Massie  
Matsui  
McCollum  
McEachin  
McNerney  
Meeks  
Meng  
Moore  
Moulton  
Nadler  
Napolitano  
Neal  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascarell  
Payne  
Perlmutter  
Peters  
Peterson  
Pingree  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schradner  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)

Soto  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko

Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Walz

Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—13

Black  
Bridenstine  
Cole  
Dent  
Diaz-Balart

Holding  
Johnson, Sam  
McGovern  
Pelosi  
Pocan

Rush  
Visclosky  
Woodall

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1344

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HOLDING. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 627.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker’s approval of the Journal.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 190, answered “present” 1, not voting 18, as follows:

[Roll No. 628]

## YEAS—224

Abraham  
Adams  
Aderholt  
Allen  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barton  
Beatty  
Billirakis  
Bishop (UT)  
Blumenauer  
Bonamici  
Brady (TX)  
Brooks (AL)  
Brooks (IN)  
Brown (MD)  
Buchanan  
Buchshon  
Budd  
Bustos  
Butterfield  
Byrne  
Calvert  
Carson (IN)  
Carter (TX)  
Cartwright  
Castro (TX)  
Chabot  
Cheney  
Chu, Judy  
Cicilline  
Clay  
Cohen  
Cole  
Collins (NY)  
Comstock  
Cook  
Cooper

Courtney  
Cramer  
Crawford  
Crist  
Cuellar  
Culberson  
Cummings  
Curtis  
Davidson  
Davis (CA)  
Davis, Danny  
DeGette  
DeLauro  
DelBene  
Demings  
DesJarlais  
Deutch  
Dingell  
Doggett  
Donovan  
Duncan (SC)  
Duncan (TN)  
Dunn  
Ellison  
Emmer  
Engel  
Eshoo  
Estes (KS)  
Farenthold  
Ferguson  
Fleischmann  
Fortenberry  
Foster  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Garamendi  
Gianforte  
Gibbs  
Goodlatte  
Gowdy

Granger  
Cramer  
Guthrie  
Hanabusa  
Handel  
Harper  
Harris  
Hartzler  
Hastings  
Heck  
Hensarling  
Higgins (LA)  
Higgins (NY)  
Himes  
Hollingsworth  
Huffman  
Hultgren  
Hunter  
Johnson (GA)  
Johnson (LA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (MS)  
Kelly (PA)  
Kennedy  
Kildee  
King (IA)  
King (NY)  
Krishnamoorthi  
Kuster (NH)  
Kustoff (TN)  
Labrador  
LaMalfa  
Lamborn  
Larsen (WA)  
Latta  
Lawrence  
Lewis (MN)  
Lipinski  
Long  
Loudermilk

Love  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham,  
M.  
Luján, Ben Ray  
Maloney,  
Carolyn B.  
Marino  
Massie  
McCarthy  
McCaul  
McClintock  
McCollum  
McEachin  
McHenry  
McMorris  
Rodgers  
McNerney  
Meadows  
Meng  
Messer  
Mooney (WV)  
Moore  
Moulton  
Mullin  
Murphy (FL)  
Nadler  
Napolitano  
Noem  
Norman  
Nunes

O’Rourke  
Olson  
Palmer  
Perlmutter  
Pingree  
Polis  
Posey  
Quigley  
Ratcliffe  
Reichert  
Renacci  
Rice (SC)  
Roby  
Rogers (KY)  
Rohrabacher  
Rooney, Francis  
Roskam  
Ross  
Rothfus  
Royce (CA)  
Ruppersberger  
Russell  
Rutherford  
Scalise  
Schneider  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Shea-Porter  
Sherman  
Shimkus

## NAYS—190

Aguilar  
Amash  
Barr  
Barragán  
Bass  
Bera  
Bergman  
Beyer  
Biggs  
Bishop (GA)  
Bishop (MI)  
Blackburn  
Blum  
Blunt Rochester  
Boyle, Brendan  
F.  
Brady (PA)  
Brownlee (CA)  
Buck  
Burgess  
Capuano  
Carbajal  
Cárdenas  
Carter (GA)  
Castor (FL)  
Clark (MA)  
Clarke (NY)  
Cleaver  
Clyburn  
Coffman  
Collins (GA)  
Comer  
Conaway  
Connolly  
Conyers  
Correa  
Costa  
Costello (PA)  
Crowley  
Curbelo (FL)  
Davis, Rodney  
DeFazio  
Delaney  
Denham  
DeSantis  
DeSaulnier  
Diaz-Balart  
Doyle, Michael  
F.  
Duffy  
Españal  
Esty (CT)  
Evans  
Faso  
Fitzpatrick  
Flores  
Foord  
Fudge  
Gaetz  
Gallagher  
Gallego  
Gomez  
Gonzalez (TX)

Gosar  
Gottheimer  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green, Al  
Green, Gene  
Grijalva  
Grothman  
Gutiérrez  
Herrera Beutler  
Hice, Jody B.  
Hill  
Holding  
Hudson  
Huizenga  
Hurd  
Issa  
Jackson Lee  
Jayapal  
Jeffries  
Jenkins (KS)  
Jenkins (WV)  
Johnson (OH)  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (IL)  
Khanna  
Kihuen  
Kilmer  
Kind  
Kinzinger  
Knight  
LaHood  
Lance  
Langevin  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
LoBiondo  
Loebbeck  
Lofgren  
Lynch  
MacArthur  
Maloney, Sean  
Marchant  
Marshall  
Mast  
Matsui  
McKinley  
McSally  
Meehan  
Meeks  
Mitchell  
Moolenaar  
Neal  
Newhouse  
Nolan  
Norcross

O’Halloran  
Palazzo  
Pallone  
Panetta  
Pascarelli  
Paulsen  
Payne  
Pearce  
Perry  
Peters  
Peterson  
Pittenger  
Poe (TX)  
Poliquin  
Price (NC)  
Raskin  
Reed  
Rice (NY)  
Richmond  
Roe (TN)  
Rogers (AL)  
Rokita  
Rooney, Thomas  
J.  
Ros-Lehtinen  
Rosen  
Rouzer  
Roybal-Allard  
Ruiz  
Ryan (OH)  
Sánchez  
Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Serrano  
Sewell (AL)  
Sinema  
Sires  
Slaughter  
Smucker  
Soto  
Stivers  
Suozi  
Swalwell (CA)  
Tenney  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tipton  
Torres  
Upton  
Valadao  
Vargas  
Veasey  
Vela  
Velázquez  
Walberg  
Watson Coleman  
Weber (TX)

Welch  
Wilson (FL)

Wittman  
Yoder

Yoho  
Young (AK)

## ANSWERED “PRESENT”—1

Tonko

## NOT VOTING—18

Black  
Bost  
Brat  
Bridenstine  
Dent  
Garrett

Gohmert  
Hoyer  
Johnson, Sam  
Larson (CT)  
McGovern  
Pelosi

Pocan  
Rush  
Smith (NE)  
Turner  
Visclosky  
Woodall

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1350

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. SMITH of Nebraska. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on Rollcall No. 628.

## DESIGNATING THE DEMOCRATIC CLOAKROOM IN THE HALL OF THE HOUSE OF REPRESENTATIVES AS THE “GABRIELLE GIFFORDS-LEO J. RYAN CLOAKROOM”

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on House Administration be discharged from further consideration of House Resolution 615, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

## H. RES. 615

Whereas Gabrielle Giffords was elected to the House of Representatives to represent the 8th district of Arizona in 2006 and served from January 2007 to January 2012;

Whereas Giffords has served the public for over 15 years;

Whereas Giffords was the youngest person ever elected to the Arizona State Senate, serving from 2000 to 2005;

Whereas Giffords was the third woman in Arizona history elected to Congress;

Whereas Congresswoman Giffords was widely known for her middle-of-the-road political views, problem solving ethos, and commitment to bipartisanship and cooperation;

Whereas Congresswoman Giffords’s many achievements and inspirational service in Congress included contributions to the strength of our armed forces, the security of our nation, the health and welfare of our veterans, our progress toward a clean energy economy, and the interests of her constituents in her beloved southern Arizona district;

Whereas Giffords prided herself on being accessible to her constituents;

Whereas on January 8, 2011, while listening to her constituents at a “Congress on your Corner” event in Tucson, a gunman attempted to assassinate Congresswoman Giffords;

Whereas Congresswoman Giffords was shot and wounded along with 12 others while an additional 6 people were killed, including her Congressional aide, Gabriel Zimmerman;

Whereas in 2013 Congresswoman Giffords formed an organization to promote gun violence prevention and responsible gun ownership;

Whereas Congresswoman Giffords continues to serve the American public by being an outspoken advocate for solutions to gun violence;

Whereas Congressman Leo Ryan was an elected member of the House of Representatives for the 11th district of California from 1973 through 1978, championing causes related to equality, freedom, human rights and the protection of our democratic institutions, and represented an unwavering example of dedication to public service;

Whereas Congressman Ryan's life was marked by his service, in the Navy during World War II, as a teacher, a school administrator, South San Francisco city councilman and mayor, and California assemblyman, before serving three terms in the House of Representatives;

Whereas in his more than 40 years in elected office, Congressman Ryan worked to ensure equal treatment of all, including the least fortunate and those without a voice, and won the widespread respect of his colleagues and the people he served;

Whereas Congressman Ryan took a hands-on approach to combat injustice, from taking a job as a teacher in Watts to gain insight into the causes of the Watts riots, or posing as an inmate at Folsom Prison to investigate conditions, or going to Newfound-land to see for himself about the slaughter of baby seals;

Whereas in 1978 House Majority Leader James Wright described Congressman Ryan as having an "ever-ready willingness to go where suffering was";

Whereas when asked to describe his colleague, Rep. Robert Drinan of Massachusetts said in 1978 that "He was a gutsy, courageous guy," and "When he believed in something he just pressed and pressed.";

Whereas Reverend Jim Jones' Peoples Temple was based in San Francisco, California, and had recruited people from Congressman Ryan's nearby San Mateo district;

Whereas following negative press reports, to avoid exposure cult leader Jim Jones traveled to Guyana with his followers;

Whereas in 1974 an agricultural project was established in Guyana by the Peoples Temple which would be known as Jonestown;

Whereas in 1978 several stories began to surface over relatives being held in Guyana against their will and some constituents from Congressman Ryan's district began to contact his office with concerns over their relatives in Jonestown;

Whereas Congressman Ryan left for Guyana on November 14, 1978, accompanied by two congressional staffers, nine journalists, and 18 relatives of Jonestown residents;

Whereas the delegation arrived at Jonestown November 17, 1978, and several Jonestown inhabitants expressed a desire to return to the United States;

Whereas the original delegation along with 15 Jonestown inhabitants attempted to board planes at Port Kaituma airstrip but were fired upon by a Jones loyalist and other gunmen;

Whereas an additional 40 Jonestown inhabitants were also awaiting transport to leave Jonestown;

Whereas Congressman Ryan, one Jonestown inhabitant (Patricia Parks), and three journalists (NBC news reporter Don Harris, NBC photographer Bob Brown, and San Francisco Examiner photographer Greg Robinson) were shot to death at the airstrip and nine

others, including Congresswoman Jackie Speier, were wounded;

Whereas Congressman Leo Ryan was the first Member of Congress to be assassinated overseas while performing his Congressional duties;

Whereas Congressman Ryan stated, "I learned that if you give in to fear you can't do your job"; and

Whereas Congressman Ryan went above and beyond to provide service to his constituents and to the people of the United States, exhibiting courage and resilience: Now, therefore, be it

*Resolved, That—*

(1) the House of Representatives honors the work and public service of Congresswoman Gabrielle Giffords;

(2) the House extends its condolences to the family, friends, and all those affected by the mass shooting on January 8, 2011;

(3) the House of Representatives honors the legacy of Congressman Leo J. Ryan for his lifelong commitment to objective fact-finding and for his extraordinary commitment to advancing freedom and basic human rights at home and abroad;

(4) the House honors the bravery of Congressman Ryan and his team members for undertaking a dangerous yet essential fact-finding mission in Guyana;

(5) the House extends its condolences to Congressman Ryan's family and all those affected by the Jonestown tragedy; and

(6) the Democratic Cloakroom in the Hall of the House of Representatives (room H-222 of the United States Capitol) is designated as the "Gabrielle Giffords-Leo J. Ryan Cloakroom".

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

Mr. THORNBERRY. Mr. Speaker, pursuant to House Resolution 616, I call up the conference report 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 616, the conference report is considered read.

(For conference report and statement, see proceedings of the House in Book II of November 9, 2017, at page H8701.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. THORNBERRY) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the conference report to accompany H.R. 2810.

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

There was no objection.

Mr. THORNBERRY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, for 55 straight years under both parties, Congress has come together to pass a defense authorization bill to support our troops and our country's security. Along with my partner on the Armed Services Committee, Mr. SMITH, I am pleased to bring a conference report that will do so again.

Mr. Speaker, I want to acknowledge and thank all the Members on both sides of the aisle who contributed to this product, and especially the members and staff of the House Armed Services Committee.

I also want to thank the conferees from the 14 other committees of the House who were appointed to the conference, and I appreciate their contributions.

Finally, I want to express my appreciation for the opportunity to work with Mr. SMITH and with our colleagues in the Senate, Senator MCCAIN and Senator REED.

We do not always agree among the four of us; in fact, we disagree sometimes energetically, but I have no doubt that each of them is committed to doing the right thing for our troops and the right thing for our country. Each of them is a patriot whom I admire.

Mr. Speaker, I know that I speak for all Members when we wish Senator MCCAIN the best in dealing with his current health challenges.

Members and the public were given a summary of this conference report last week, so I will simply say that I believe the priorities in this bill are, number one, our people; number two, the readiness; number three, missile defense; and number four, reform to see that we are more capable of meeting the security challenges our country faces in the future and today.

In that regard, I especially want to commend the work of Mr. ROGERS and Mr. COOPER and the Strategic Forces Subcommittee on space. They initiated deep, far-reaching reforms based on a real sense of urgency, and they are in this bill. Their work exemplifies the work of our committee: bipartisan, really nonpartisan, on the national security challenges the U.S. faces today.

Mr. Speaker, unfortunately, as the world grew more dangerous, we cut our defense budget and we added to the burden borne by the men and women who serve us.

We will not rebuild and fix our problems in 1 year or one bill, even when it is matched by an appropriations bill, which this will need to be, but we can head in the right direction. That is what this conference report does, and I hope Members will support it.

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

Mr. SMITH of Washington. Mr. Speaker, I yield myself 5 minutes.



Mr. Speaker, first and most importantly, I want to concur with the remarks of Mr. THORNBERRY. We have had a great many people work together to produce a very important product. The staff, the Members, House and Senate, have all done an outstanding job.

On the Armed Services Committee, we are very proud of the fact that we produce a legislative product every year. We actually do legislation the way it is supposed to be done. We work it through committee. Chairman THORNBERRY often outlines the number of different provisions that were asked for at the committee level, at the full House level and the Senate level, and we worked through those, reached compromise where we could, and produced a product that is truly a legislative product.

□ 1400

That is testimony to the great work, first and foremost, of our staff. Both the House and Senate do an outstanding job with hundreds of complex issues and working with all the Members, and I thank them very much.

It is also a testimony to the Members, both House and Senate, to their commitment to make sure that we pass the National Defense Authorization Act, understanding how important it is to support our troops and meeting our national security needs.

I also want to thank our colleagues in the Senate. Mr. THORNBERRY and I oftentimes say those are some of our most contentious debates—not between us, but between us and the Senate. But they are handled, I think, with great dignity and intelligence, and I enjoy working with Senator MCCAIN and Senator REED. They are great partners in this final product.

I am proud of this final product. There is a lot of very good policy in here. Mr. THORNBERRY mentioned several of the keys: acquisition reform, basically getting more out of the money we spend, making sure the system works better.

I particularly want to thank Chairman THORNBERRY. He has taken a lead on this issue for a number of years. I think we have made significant improvements, even while acknowledging that we still have a long way to go to get the efficiency that we need out of the Pentagon budget, but that is an important change.

I also think that this bill does a great job of supporting our troops and their families. As the chairman mentioned yesterday, it is basically the case that you recruit a servicemember but you retain the family, and that means that you have to provide for them. We fully fund the 2.4 percent pay raise in this bill and support our troops and their families in many other ways. This is a very good product.

I will also say, I want to particularly thank Representative LANGEVIN for working on this issue. This bill states that climate change is a national security threat. We make that the policy of

the United States Congress, to acknowledge climate change and the impact that it is going to have on our national security, and Representative LANGEVIN was tireless in making sure that that was part of this bill.

So this is a good product. I am proud of it. I am proud of the work that we have done together to produce a legislative product that, as Mr. THORNBERRY says, none of us like everything that is in it, but we reached a compromise to produce a product on an important issue.

The challenge that we have going forward is what the chairman mentioned at the end there: This bill funds, I think it is right around \$696 billion in defense spending. It goes \$80 billion, roughly, over the budget caps, and the bill can't do that on its own. Unless the budget caps are lifted and appropriators pass the appropriations bill, that doesn't happen; and we haven't made a lot of progress on that.

I was thinking, today, back to 2011, in August, when we first passed the Budget Control Act. We were about 2 days short of not being able to meet our debt ceiling obligations when we passed that; and at that time, the hope was that we would come together on a compromise to deal with our deficit and our debt to get us on a fiscally responsible path.

Well, over 6 years later, I can't say that we have made an enormous amount of progress on that, and that is a huge threat to our troops and our national security. I would also say that it is a threat to the nondefense discretionary budget and the rest of the budget as well.

But without question, one of the greatest challenges the Pentagon faces—they don't know from one month to the next how much money they are going to have. Is this going to be the number? Is this bill going to work?

I hope so, but we don't know. We have got to resolve that issue. We have got to figure out how to have a fiscally responsible budget so we can pass appropriations bills every year so all aspects of the discretionary budget can have some predictability.

It is absolutely true, as the chairman and others have said, we have a readiness shortfall. What that means is we are not providing the equipment and the training to our troops necessary to fully prepare them to do the missions we are asking them to do. I have no doubt that part of that is underfunding.

But another part of it is we have a National Security Strategy that is unclear and, as it is presented, is far greater than we would ever have the resources to match. I had a meeting with a Pentagon official who told me that they were very concerned because they were way short of having the funds necessary to meet their 2012 National Security Strategy.

And make no mistake about it. As big and confusing as the Pentagon may

look, they have a reason for everything that they spend. They have a plan in place. Right now, we don't have the funds to match those plans.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The time of the gentleman has expired.

Mr. SMITH of Washington. Mr. Speaker, I yield myself an additional 1 minute.

That is a huge problem. So going forward, while we do need to provide more resources and more stability, I also think we need to take a look at that National Security Strategy and say: Where are we spending money that we shouldn't be? What part of our strategy do we not need?

If we can't do that, if we can't cut back, we are never going to be in a position to provide adequate funds to our troops, and, to me, that is the absolute worst result.

Whatever the strategy is, the one thing that it absolutely ought to do is fund our troops sufficiently to meet it. To have a big idea of what we ought to be able to do and then to underfund the men and women whom we are asking to do it, I believe, has led to some of the accidents and deaths that we have had recently with our ships and with our planes.

We need to adequately fund readiness to meet a mission that is achievable. That, we still need to get to; but, overall, this is a good policy bill.

Again, I thank the chairman. I appreciate the partnership and really enjoyed working with him to produce this product.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), chairman of the Subcommittee on Readiness.

Mr. WILSON of South Carolina. Mr. Speaker, I thank Chairman MAC THORNBERRY for his leadership.

The extraordinary, controversial issue that should be addressed of the widows' tax has been solved with his leadership and will be so meaningful to military families.

I am grateful to support H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018.

Throughout this past year, as chairman of the Readiness Subcommittee, we heard testimony from each of the Joint Chiefs about the critical necessity to address the military's alarming readiness shortfalls across all domains: air, land, sea, cyber, and space.

Sadly, the recent, tragic deaths of 17 sailors in two avoidable collisions in the Indo-Pacific region provided unmistakable evidence that readiness has fallen to a dangerous level. We can no longer delay the maintenance and sustainment problems that plague the military, and we can no longer defer critical training and modernization that directly impact the ability to respond rapidly to emerging threats worldwide. There are numerous important readiness provisions in the bill.

I also appreciate the gentlewoman from Guam (Ms. BORDALLO), my friend, colleague, and Readiness Subcommittee ranking member, for her tireless efforts and participation in this process. The creation of the NDAA was truly bipartisan and represents real emphasis for readiness recovery efforts and the enhanced defense of our Nation to promote peace through strength, protecting American families, as we recognize freedom is not free.

I strongly support the NDAA for Fiscal Year 2018 and encourage my colleagues in the House to support it as well.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Guam (Ms. BORDALLO), the ranking member of the Subcommittee on Readiness.

Ms. BORDALLO. Mr. Speaker, I rise in support of the conference report to accompany the National Defense Authorization Act for Fiscal Year 2018.

I commend Chairman THORNBERRY, Ranking Member SMITH, and I would also like to thank the gentleman from South Carolina (Mr. WILSON), the Readiness Subcommittee chairman, and the committee staff who worked many, many long nights on this bill. I am especially thankful for the spirit of cooperation that enables us to pass an act that directly impacts the young men and women who defend our country.

The conference report authorizes \$3.6 billion in additional operations and maintenance funds to increase training, spare parts, facility and equipment maintenance, and other readiness enablers. This is a very important step to support the recovery of readiness in areas that have been adversely impacted by high operational tempos and made worse by numerous continuing resolutions and the effects of sequestration. However, Congress must go further and provide the Department with budget stability by repealing sequestration so that we can continue to support the training, the maintenance, and the modernization needs of our forces.

The conference agreement also includes a number of provisions to support military readiness, such as providing authorities and flexibility for investments in infrastructure, extending direct hiring authorities, protecting training ranges from encroachment, and continuing to support the Asia-Pacific Rebalance.

The Rebalance is critical to security and stability in the Indo-Asia-Pacific region and a matter of most importance to me because of the recent threats against the United States and, specifically, my home district of Guam.

Critically, for my constituents, this agreement provides authority for U.S. Citizenship and Immigration Services to approve H-2B visas for Guam that support construction projects directly connected to, as well as those associ-

ated with, the realignment of military forces to Guam. Additionally, the agreement authorizes \$354.6 million for military construction projects in Guam.

As Guam's representative, I will continue to work with the DOD and the USCIS to provide relief for healthcare and other industries that support our military on Guam. While I support the progress that we made in this bill, without further relief, our inadequate workforce will negatively impact our national security.

So again, Mr. Speaker, I reiterate my appreciation for the work by our committees and our exceptional staff. The FY18 NDAA provides the resources that our military requires for its missions in this very, very dangerous world, so I urge support for the bill.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the chair of the Tactical Air and Land Forces Subcommittee.

Mr. TURNER. Mr. Speaker, I rise in support of H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018.

I strongly support this bill, and I want to personally thank our chairman, MAC THORNBERRY, for his work in trying to get a higher top line for defense. This bill comes in higher than the President's budget request, but it is in line with both the appropriations and the budget document that came out of the House.

This bill authorizes \$634.2 billion in the base budget, a much-needed increase over the original budget request, and fully supports many of the unfunded requirements identified by the Department that totaled more than \$30 billion. The \$634.2 billion authorization is essential. Anything less dramatically handicaps our ability to restore military readiness over nearly a decade of neglect.

This increased base budget funding for fiscal year 2018 begins the long process to rebuild our military's full spectrum readiness from years of deferred modernization brought on by the failed assumptions from the previous administrations's Budget Control Act and sequestration.

Within the Tactical Air and Land Forces Subcommittee's jurisdiction, this bill authorizes over \$12 billion in additional funds to address unfunded modernization requirements and critical capabilities gaps.

If we do not begin, with this budget, to set favorable conditions to start to reverse the high-risk defense posture we currently have, we will significantly jeopardize our military's advantage that we have taken for granted in past conflicts and steady-state operations.

As such, the bill recognizes the importance of land forces in current and future operations and authorizes over \$2 billion to accelerate armored brigade combat team modernization, to include additional Abrams tanks and Bradley Fighting Vehicles.

The bill authorizes strike fighter capability and capacity shortfalls and authorizes over \$3 billion in additional funding to procure new fifth-generation aircraft and modernize our fourth-generation fleet. These projects address unfunded requirements for the Air Force, Navy, and Marine Corps.

The bill also continues to address the needs of the National Guard and Reserve components by authorizing an additional \$250 million for their equipment and modernization.

This bill prevents the Air Force from reducing critical ISR capabilities.

I urge my colleagues to support this bill.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), the ranking member of the Subcommittee on Emerging Threats and Capabilities.

Mr. LANGEVIN. Mr. Speaker, I would first like to begin by thanking Chairman THORNBERRY and Ranking Member SMITH and Chairwoman STEFANIK for their tireless work on this bill. It is a good work product, and I am very proud to be associated with it and be supporting it.

I would also like to thank the Armed Services Committee staff for their contributions for another successful and bipartisan NDAA, in particular, Lindsay, Pete, Kevin, and Neve. I want to recognize Kathryn Mitchell, my MLA on my staff, along with my two fellows, Sean and John, for their contributions and support during the time we put together this mark.

I am extremely pleased with the Emerging Threats and Capabilities portion of the NDAA. I want to congratulate Chairwoman STEFANIK. This is her first NDAA as chairwoman, and it was a pleasure working with her in a strong bipartisan way.

The conference agreement preserves important steps forward when it comes to cyber, information operations, and advanced technologies, and it provides support to our special operators and their families.

When it comes to cyber, the bill requires the Department of Defense to conduct a cyber posture review to ensure we have appropriate authorities and policies in place to allow our forces to operate successfully in cyberspace.

□ 1415

It also reinvigorates the DOD's cyber scholarship program, which provides scholarships and grant opportunities at colleges and universities to boost the Nation's cyber forces and to bring their expertise into the Department after they graduate.

Additionally, the finalized language includes a provision that I wrote in conjunction with Chairman THORNBERRY, Ranking Member SMITH, and Chairwoman STEFANIK to require timely notifications for sensitive cyber military operations outside areas of active hostilities, ensuring Congress is able to conduct appropriate oversight in this new domain.

The bill makes important investments in advanced technologies that will be game changers for our warfighters, such as the electromagnetic railgun. We never want to send our servicemembers into a fair fight, and transitioning critical technologies like these will ensure that we avoid the valley of death and provide them with the very best tools that are available.

Finally, I am very pleased with the final conference report preserving my amendment expressing the sense of Congress that climate change is a national security challenge and requiring the department to report its effects.

This important bipartisan provision represents one of the most significant legislative actions Congress has taken on this issue, and this shift in policy will better prepare our Armed Forces, ensure mission resiliency, and improve our readiness to face the changing climate.

Again, I want to thank the Armed Services Committee for their excellent work on this critical bill, particularly Chairman THORNBERRY, Ranking Member SMITH, Chairwoman STEFANIK, and, again, all the members of both the committee staff and my staff as well. It was a pleasure working on this very bipartisan bill in support of all of our warfighters, who we want to make sure that we provide the very best tools that they need to do their job safely and effectively. I thank them for all that they do for our Nation.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), the chair of the Subcommittee on Strategic Forces.

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong support of this year's NDAA and commend the chairman for his outstanding leadership in getting us to the point we are today.

This year's bill takes the first step to fixing the broken national security space enterprise within the Air Force. In this bill, we streamline the current fragmented leadership structure, eliminating over 20 unnecessary internal Air Force boxes on the Air Force acquisition organization chart.

The bill empowers the commander of the Air Force Space Command with sole authority to organize, train, and equip space forces. It terminates duplicative and ineffective offices like the Principal DOD Space Advisor, the Defense Space Council, and the Air Force's A-11 office.

Most importantly, it is a step in a long path to getting space right for the betterment of our warfighters.

Hopefully, over the coming year, the Senate will focus on the chronic problems facing national security space and work with us to establish a separate Space Corps.

On missile defense, the bill ensures that we stay ahead of the threat, which, as we have seen over the last few years from North Korea and their two dozen missile tests, they are advancing rapidly.

Also, in this bill, we are authorizing more interceptors, accelerating research and development for advanced technologies, and improving acquisition authorities for missile defense systems.

And let's also not forget about what the bill does for our nuclear deterrent. All three legs of the triad will age out and begin retiring over the next decade, but this bill ensures the replacement programs remain on schedule.

On space launch, we continue the committee's dedication to the development of a domestic replacement for the RD-180 engines and to appropriately scoping the DOD investment in development of current or planned launch vehicles.

Finally, I am very pleased with the progress we have made toward getting some of the surplus 1911 pistols into the hands of collectors and off the government dime for storage costs.

Mr. Speaker, I urge support of this legislation.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. COOPER), who is the ranking member of the Subcommittee on Strategic Forces.

Mr. COOPER. Mr. Speaker, I thank Ranking Member SMITH, Chairman THORNBERRY, Chairman MCCAIN on the Senate side, and Ranking Member Reid.

It is very important that Congress continue this great tradition of passing a Defense Authorization Act. This will be the 57th year. My constituents back home want nothing more than for us to cooperate in a bipartisan fashion for the good of the country. This bill, H.R. 2810, does that.

In particular, I would like to thank the Chairman of the Strategic Forces Subcommittee, MIKE ROGERS, who has been a great partner, as we do several very important things:

Number one, modernize our nuclear forces and keep the effort going on nuclear nonproliferation; we fund critical missile defense needs in the face of rising threats from North Korea and other countries; we support U.S.-Israeli missile defense; and we also strengthen, dramatically, our capabilities in space.

This Defense Authorization bill takes a decisive first step to address the fragmentation and lack of focus on national security space issues that the Air Force has shown by reorganizing space within the Air Force and within the Department of Defense.

While it does not create the Space Corps that we preferred, it achieves many of the goals that we set out to achieve. Notably, it consolidates acquisition, operations, and training of space forces under the Air Force Space Command and eliminates ineffective or redundant authorities across the Department. Our assets in space, unfortunately, are increasingly vulnerable to attack. This reorganization will begin to provide the focus and coordination necessary to effectively address these growing threats.

I thank the chairman of the subcommittee for his strong leadership in this effort and for making this a bipartisan process.

I would also like to thank the Deputy Secretary of Defense for his engagement on this important issue. We will continue to hold the Department accountable during this transition period.

I am also pleased that the bill begins to counter the vulnerability of our GPS systems in space which underpin many defense and civilian systems. We increase the resiliency and alternatives to GPS, including thinking outside the box, by relying on our allies and perhaps even exploiting Russian or Chinese signals as a means to deter attack on our systems.

The conference also dropped restrictions on extending the new START Treaty, which verifiably limits the number of nuclear weapons that Russia or the United States can deploy.

The bill, more effectively, holds Russia accountable for violating the Intermediate-Range Nuclear Forces Treaty by imposing increasing sanctions related to those violations rather than prematurely nullifying the treaty.

The conference report also encourages a dialogue with Russia and China to reduce risks of miscalculations that could lead to an unintended nuclear war in a crisis. Pressuring Russia, while avoiding an unnecessary nuclear arms race or a precipitous nuclear war, should be top priorities for our defense in the current, more volatile environment.

In this context, I support the increased focus on modernizing our nuclear command and control system, which has been too long over-cost and delayed.

Finally, the bill ends years of wasteful spending on the unaffordable and failed MOX project in South Carolina by allowing the Department of Energy to terminate it and move to a solution at a fraction of the cost.

Mr. Speaker, I support this bill.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the chairman of the Subcommittee on Seapower and Projection Forces.

Mr. WITTMAN. Mr. Speaker, I rise in support of the National Defense Authorization Act of 2018.

This bill fully funds our Armed Forces, increases troop end-strength, and sets in earnest the modernization of our military and ensures that our soldiers, sailors, airmen, and marines are properly compensated for the sacrifices they make for a grateful nation on a daily basis.

In my role as the Seapower and Projection Forces chairman, I vowed months ago to set the conditions for the Navy to grow to 355 ships, in accordance with the Navy's own force structure assessment. I am proud to say that this bill sends the signal to our Navy, the industrial base, and our adversaries that a 355-ship Navy is not

just a theoretical idea, but rather an achievable reality.

The bill expands on the eight ships requested by the administration by adding an additional five ships. The bill also recommends additional advanced procurement for the Virginia-class attack submarines, while fully funding the Columbia-class ballistic missile submarine program.

As to aircraft, the bill fully funds the B-21 Raider bomber program, a critical component of the future nuclear triad.

This bill also recommends an expansion of KC-46A aerial refuelers, C-130J airlift, and P-8 submarine aircraft. Finally, the bill delivers expanded authorities that will save the taxpayers billions of dollars.

Now, some of our colleagues have suggested that our defense budget is excessive and that additional moneys should be provided towards other efforts. Mr. Speaker, this thought is not only misguided, but it is dangerous. We have a constitutional responsibility to provide for the common defense of our Nation. We will not shrink from that responsibility, and I hope none of my colleagues undermine the efforts to deliver the \$634 billion base moneys that are required for our national security.

Finally, I want to recognize Ranking Member JOE COURTNEY. He has been and continues to be a true partner in ensuring the Seapower and Projection Forces of our Nation are properly resourced. I do not think that we would be anywhere close to delivering the 355-ship Navy or providing for our Air Force's deep-strike capability without his steadfast resolve and sincere efforts to realize bipartisan solutions.

Mr. Speaker, I also want to reflect that with the chairman and the ranking member and their leadership, and I urge my colleagues to support the National Defense Authorization Act for Fiscal Year 2018.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. COURTNEY), the ranking member of the Subcommittee on Seapower and Projection Forces.

Mr. COURTNEY. Mr. Speaker, I rise in strong support of H.R. 2810, and I want to begin by congratulating Chairman THORNBERRY and Ranking Member SMITH for their really skillful bipartisan guidance of this measure.

The vote that took place last summer when the House passed it the first time through was the largest bipartisan vote, since 2008, for an NDAA, and that didn't happen by accident. It was because of their great work.

I also want to thank my colleague, Mr. WITTMAN, on the Seapower and Projection Forces Subcommittee. It is a very bipartisan effort, and the result, I think, really demonstrates that, when you do it that way, you get good results.

I also want to congratulate the staff, Dave Sienicki, Phil MacNaughton, and also Lieutenant Commander Dominic Kramer, a Navy fellow who is here

today. Their support and work were invaluable in terms of getting the seapower portion of the bill to the really solid place that it is today.

Again, last year, 2016, the Navy came forward with a force structure assessment that said: Based on national security needs around the world, our fleet size needs to grow. When the President's budget came over last May, unfortunately, there were only eight new ships in that budget; but our committee, again, showing its independence as a coequal branch of government, produced a seapower mark that boosted that build rate to 15 and, again, has us now on a pathway to achieve the goal that the Navy identified last year.

In particular, in terms of the undersea fleet, our combatant commanders, whether it is an Asia-Pacific or a European command, have been loudly warning Congress that we should not allow the decline in the fleet size to occur.

This bill, again, authorizes \$5.9 billion for the Virginia-class submarine program and provides multiyear procurement authority to enter into a contract for 13 Virginia-class, allowing for a build rate to move from two a year to three fast-attack submarines in 2020, 2022, and 2023.

The National Sea Based Deterrence Fund, which, again, our committee created in 2014, extends continuous production authorities which the Navy has told us will save \$383 million in the Columbia-class program, which, again, is about smart procurement, which Mr. SMITH referred to at the beginning.

Again, there are other provisions in the bill that I would just note. There was no BRAC that is authorized in this bill. We also gave authority to the United States as part of the Ukraine Security Assistance Initiative to provide medical treatment to wounded Ukrainian soldiers, as well as training to Ukrainian healthcare specialists, which our allies desperately need. Again, it is a very, I think, smart move by the committee.

Mr. Speaker, as has been noted, this is the 57th year in a row that we have produced an NDAA. It is because we follow regular order. It is because we respect both sides of the aisle in terms of the contribution that they make.

We still have meat left on the bone to get the 2018 spending bill done, and hopefully the example that Mr. THORNBERRY and Mr. SMITH set in terms of allowing the process to breathe is the way we are going to get to a successful result, just as we did with 2017.

Again, I want to congratulate the leadership of our committee, and I strongly urge all the Members on both sides of the aisle to support passage of this measure.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN), the chairman of the Subcommittee on Military Personnel.

Mr. COFFMAN. Mr. Speaker, I rise in strong support of H.R. 2810, the con-

ference report for the National Defense Authorization Act for Fiscal Year 2018.

The conference report contains significant policy and funding initiatives that continue our commitment to our troops and their families, all while maintaining military readiness and addressing important military personnel issues.

The provisions contained in this bill provide our warfighters, retirees, and their families the necessary pay and benefits to sustain them in today's highly stressed force.

To that end, this bill establishes a fully funded by-law pay raise for all our servicemembers. After years of lower than by-law pay raise requests, it is critical that we continue to give our troops and their families the pay increases they have earned.

□ 1430

It increases the end-strengths of the Active National Guard and Reserve Forces, thereby increasing mission readiness while reducing the stress and strain on the force and their families. It permanently preserves special survivor indemnity allowance payments and closes the gap in the "widows tax" to surviving military spouses.

It also continues to improve sexual assault prevention and response by adding a new provision to the Uniform Code of Military Justice, specifically prohibiting nonconsensual sharing of intimate images; expanding Special Victims' Counsel training; and expanding the annual Sexual Assault Prevention and Response Report.

Finally, spouses of servicemembers are challenged by varying State licensure and certification requirements when forced to move to a new State by military orders. Rather than imposing a single Federal standard on the States, we provide a \$500 reimbursement to defray these costs. We ask States to work with the Secretary of Defense to develop common standards where possible.

In conclusion, I want to thank the ranking member, Ms. SPEIER, and her staff for their contributions to this report.

Of course, we were joined by an active, informed, and dedicated group of subcommittee members. Their recommendations and priorities are clearly reflected in the conference report for the National Defense Authorization Act for Fiscal Year 2018.

Mr. Speaker, I strongly urge my colleagues to support the passage of this conference report.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS), the ranking member of the Subcommittee on Tactical Air and Land Forces.

Ms. TSONGAS. Mr. Speaker, I thank Ranking Member SMITH and Chairman THORNBERRY for their leadership. I would also like to thank Chairman TURNER for his partnership and leadership this year on the Tactical Air and

Land Forces Subcommittee and for maintaining the spirit of bipartisanship that is the tradition of this committee.

Mr. Speaker, the fiscal year 2018 NDAA takes significant steps to support and protect military members and their families. However, I share Ranking Member SMITH's concerns that this year's bill authorizes a level of defense funding that is wholly unrealistic.

The numbers included in this bill are well above caps placed on defense spending by the Budget Control Act, and prioritize defense spending at a devastating cost to important Federal agencies and other investments that are critical to maintaining our national competitiveness and the future of our country. They are being put forward at the same time that we are considering a tax reform bill that will significantly cut revenues and, by the latest estimate, add \$1.7 trillion to the Federal deficit. Accordingly, the increased spending included in this bill are hollow numbers and we are failing to deliver a credible or sensible long-term plan to the Defense Department.

Throughout my tenure on this committee, I have been guided by our moral obligation to ensure that the men and women that we send into harm's way are properly equipped and the best protected in the world. I would never deny them the tools they need to defend themselves and our Nation, which is why I will be voting for this compromise.

I understand the necessity of many of the programs that are funded each year in this bill and believe its passage is needed to maintain American military superiority against a variety of threats while supporting our men and women in uniform. But ongoing budget negotiations need to get realistic. We owe it to our servicemembers to find a responsible, balanced path forward that works for both our national and economic security.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. HARTZLER), the distinguished chairwoman of the Subcommittee on Oversight and Investigations.

Mrs. HARTZLER. Mr. Speaker, I rise in strong support of the conference report for the National Defense Authorization Act for Fiscal Year 2018.

I would like to thank Chairman THORNBERRY, Ranking Member SMITH, all of the conferees, and the committee staff for their hard work on this important piece of legislation.

As Members of Congress, it is our responsibility to provide support for our men and women in uniform while they selflessly serve our Nation. This bill authorizes a much-needed \$634 billion in base budget requirements for our national security. This number is the minimum requirement needed to even begin the process of restoring our military's readiness.

Tragically, this year alone, we have heard report after report of deadly

training accidents. These accidents demonstrate severe readiness shortfalls across the services. We cannot stand by as our men and women in uniform continue to suffer. Now is the time to invest, and this bill does just that.

The NDAA authorizes a 2.4 percent pay increase for our troops; authorizes 24 additional F-18 Super Hornets to help fill the Navy's strike fighter shortfall; and it fully funds the B-21 bomber, a critical platform needed to deter and defeat future aggression around the world.

I am proud to represent Missouri's Fourth Congressional District, which is home to Whiteman Air Force Base and Fort Leonard Wood. This bill funds modernization programs for the B-2 bomber, authorizes \$50 million in the DOD impact aid for military-connected schools, and fully authorizes a new hospital facility and blood processing center at Fort Leonard Wood.

As chairwoman of the Oversight and Investigations Subcommittee, I am proud of the provisions in the conference report that will improve the foreign military sales process and provide the National Nuclear Security Administration with much-needed flexibility to address the crippling infrastructure of the U.S. nuclear security enterprise.

I want to thank Ranking Member SETH MOULTON for his support in working on these important issues in a bipartisan fashion.

Mr. Speaker, our troops deserve this bill and they deserve the funding that this bill authorizes. Thanks to the leadership of Chairman THORNBERRY, this conference report increased defense spending to meet the needs of today's warfighter. I am proud of this critical bill, and I urge my colleagues to support its passage.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MOULTON), the ranking member on the Subcommittee on Oversight and Investigations.

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

Mr. Speaker, I rise today to speak on the National Defense Authorization Act. I must say that I am so proud to be a member of a committee so known for its bipartisanship. I am particularly proud to serve on the Oversight and Investigations Subcommittee with my colleague, VICKY HARTZLER, from Missouri.

I am concerned that this administration is failing to confront the threats our country faces, like Russia, so I am encouraged that this bill includes a package of measures to deter Russia, including U.S. training and support for our European allies; a plan for additional sanctions on Russia linked to treaty violations; as well as a requirement for the administration to develop a strategy to counter Russia over the long term.

The bill also forces the same type of accountability that I have been push-

ing for on Syria policy for a long time, requiring the President to submit a comprehensive Syria strategy, including diplomatic, military, and humanitarian assistance initiatives.

Too often, big bills like this forget the troops on the ground, but this bill raises military pay by 2.5 percent and takes action on specific concerns raised to me and my team by requiring a study on improving opioid prescription practices as well as additional mental healthcare for those transitioning out of Active Duty.

The bill includes a provision I supported for our critical allies in the fight against terror. The Afghan Special Immigrant Visa program affords Afghan interpreters who have risked their lives—not only for their country, but for ours—the ability to resettle in the U.S. due to threats that they and their families face on a daily basis because they work with U.S. troops.

Here at home, our military families selflessly support our men and women in harm's way and provide the backbone so important to military communities across our country. That is why I led an effort to include a requirement for the DOD to examine a new Military Family Service Corps to support volunteer efforts surrounding spousal career support, career transition assistance, community integration for military families, support for liaison programs with schools, as well as families with children of special needs. By building on these efforts, we can ensure our servicemembers and their families are supported to the fullest extent possible.

Despite the important provisions included in this bill, it does come at a time when we as a Congress have forced the Department of Defense to operate under yet another continuing resolution in the absence of a full-year budget; and we are authorizing an unprecedented \$692 billion in defense spending, blowing past the budget cap set by the Budget Control Act, by over \$80 billion.

All the while, Republicans are pushing one of the most aggressive tax cut packages in history, set to cost our country at least \$1.7 trillion. Simply put, Republicans don't know how to balance a checkbook. Ultimately, it is our servicemembers and their families who will pay the price.

As Admiral Mike Mullen, the former Chairman of the Joint Chiefs of Staff, said in 2010 and again in 2016:

Our Nation's long-term debt is the single greatest threat to our national security. We ought to balance the budget because it is the right thing to do for the troops.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. STEFANIK), the distinguished chairwoman of the Subcommittee on Emerging Threats and Capabilities.

Ms. STEFANIK. Mr. Speaker, I rise today in strong support of the conference report for the National Defense Authorization Act for Fiscal Year 2018.

I strongly believe that this bipartisan bill puts us on a course towards readiness recovery, ensuring that our military is fully equipped, trained, and supported.

As the chairwoman of the Subcommittee on Emerging Threats and Capabilities, I am especially proud of our contributions to ensure proper resourcing and authorities for cyber warfare, safeguarding our technological superiority and defense innovation, enabling Special Operations Forces to counter terrorism and irregular warfare threats around the world, and energizing programs and activities that counter the spread of weapons of mass destruction.

I would specifically like to highlight what our subcommittee has achieved this year in the areas of cyber warfare and cyber operations. Our emphasis on cyber has carried three broad themes:

First, we increase congressional oversight of cyber operations by including H.R. 2807, a bill introduced by myself, Ranking Member LANGEVIN, Chairman THORNBERRY, and Ranking Member SMITH, which will ensure Congress is kept fully informed of sensitive military cyber operations. We also require a cyber posture review to clarify U.S. cyber deterrence policy and strategy.

Second, we bolster international partnerships for cyber warfare to counter aggressive adversaries such as Russia, China, and North Korea. This includes support for our NATO partners and those within the Asia-Pacific region to enhance partnered cyber capabilities and information sharing, and to counter and mitigate adversarial propaganda efforts and information warfare campaigns.

Third, the bill continues to build and enhance our U.S. cyber warfare capabilities and activities—principally within U.S. Cyber Command, but also across our government—with the services and within the intelligence community. This includes resiliency of Department of Defense networks, weapons systems, and supply chains.

Furthermore, Mr. Speaker, this bill reinforces counterterrorism and unconventional warfare capabilities by fully resourcing U.S. Special Operations Command's programs and activities, including ongoing efforts in Iraq, Syria, Afghanistan, Yemen, Somalia, and Eastern Europe.

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

Mr. THORNBERRY. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from New York.

Ms. STEFANIK. Mr. Speaker, we also include a new 2-year authority to counter irregular warfare and unconventional threats, such as those being posed by Russia and other adversaries.

Before I conclude, I would like to thank Chairman MAC THORNBERRY for his leadership, as well as my subcommittee ranking member, JIM LANGEVIN, from Rhode Island, for his consistent bipartisan leadership on all of these issues.

Mr. Speaker, I urge my colleagues to support this bill and to vote "yes" on the conference report.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CARBAJAL), a member of the Armed Services Committee.

Mr. CARBAJAL. Mr. Speaker, I would like to thank Ranking Member SMITH, Chairman THORNBERRY, and the committee staff for working with me to include language that brings attention to the threat of nuclear proliferation.

Currently, nine countries possess over 15,000 nuclear weapons, and the United States plans to spend \$1.2 trillion over the next 30 years to upgrade and expand its nuclear stockpile. As we build up our nuclear arsenal, we are increasing the risk of these destructive weapons ending up in the hands of terrorists.

The language I included in this bill stresses the importance of addressing this danger and requires the Secretary of Defense to explain how the Department of Defense is responding to this threat. When Secretary Mattis testified before our committee, I asked him about this ongoing threat and he told me that nuclear proliferation has not received enough attention over quite a few years.

This amendment is a welcome first step in the development of a robust strategy against nuclear proliferation.

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Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. WENSTRUP), who is a very valued member of our committee.

Mr. WENSTRUP. Mr. Speaker, providing for the common defense, that is a constitutional duty that this governing body was tasked with. By passing the NDAA, we are working to ensure that our country keeps faith with those who bravely serve and their families.

While the world has grown more dangerous, our military has grown smaller. Our men and women in uniform and their equipment have been stretched thin after years of war, billions in budget cuts, downsizing, and continued funding uncertainty. The 2018 NDAA reverses these trend lines.

Passing this bill fully funds the 2.4 percent pay raise our troops have earned so we can support our troops and they can support their families.

This legislation brings attention to maximizing our military health systems and includes a study on safe opioid prescribing practices for our troops so our warfighters receive the best possible treatment.

Rebuilding our readiness along with acquisition reform, equipment modernization, and increased end strength will better prepare our men and women as they put on the uniform and fight for us. Our troops serve so that we can sleep well at night, and they ask for nothing in return.

Mr. Speaker, I urge the full House to vote in favor of the NDAA.

Mr. SMITH of Washington. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Washington has 6 minutes remaining. The gentleman from Texas has 12 minutes remaining.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. VEASEY), who is a member of the Armed Services Committee.

Mr. VEASEY. Mr. Speaker, the House and Senate Armed Services Committees have demonstrated admirable bipartisanship in completing this year's NDAA.

This past weekend, as I celebrated Veterans Day in the Dallas/Fort Worth area by honoring local veterans, we spoke about the importance of taking care of our servicemembers, and I think this year's NDAA does a good job in doing that.

I am very proud of the assistance to legal permanent residents who serve in our Armed Forces in understanding their naturalization options. I am also very happy about investments we made in improving diversity, such as the DOD Cyber Scholarship Program, grants for women and minorities in STEM, and funding for HBCUs. I think that these investments will yield a diverse and stronger national defense workforce for our country's future.

I am also happy that we have continued support for the tactical aircraft that are manufactured in the Dallas/Fort Worth area, which are very critical to our local economy and our Nation's defense.

I am very happy to have been a conferee, and I am very proud of the hard work that the committee staff has done to help complete this vital piece of legislation.

Mr. Speaker, I urge my colleagues to vote "yes" on this conference report, and I want to respectfully remind my colleagues on both sides of the aisle how critical this funding is to our national security.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. KELLY), who is another valuable member of our committee.

Mr. KELLY of Mississippi. Mr. Speaker, I thank Chairman THORNBERRY for his continued leadership in rebuilding and reforming the Department of Defense.

Today I rise in strong support of H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018.

As a 32-year veteran of the Mississippi Army National Guard and two Iraq deployments, I know the national security challenges facing our country firsthand.

This year's NDAA makes important strides toward achieving equipment and benefits parity for our armed services' Reserve component. The enemies of this country do not distinguish between the Active component and Reserve component of our military, and neither should we.



I am happy to report that this year's NDAA increases the size of both our Active component and our Reserve component. It also increases benefits parity to our Reserve component soldiers by authorizing those deployed on title X orders to receive preactivation and postactivation TRICARE coverage when on 12304a and 12304b orders. Additionally, the FY18 NDAA will allow for procurement of much-needed equipment for our Reserve component.

Finally, I would like to thank my subcommittee chairmen—Mr. COFFMAN, Mr. WILSON, and Mr. TURNER—for their leadership and hard work through this process.

Mr. Speaker, I encourage my colleagues to join me in supporting this legislation.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO), who is the ranking member of the Subcommittee on Readiness, for purposes of a colloquy with the chairman.

Ms. BORDALLO. Mr. Speaker, I thank the gentleman for yielding and wish to engage the gentleman from Texas, the chairman of the Armed Services Committee, in a colloquy.

Let me first start by thanking Chairman THORNBERRY, Ranking Member SMITH, and the committee staff for working diligently with us to address the workforce issues impacting the military realignment on Guam.

The conference agreement includes a provision to remedy the H-2B visa denial issue, particularly affecting construction projects on Guam, by granting USCIS the authority to approve temporary workers for construction work directly connected to or associated with the military realignment occurring on Guam through 2023.

Providing for this small, temporary workforce is very important, given the strategic importance of Guam as the sole U.S. territory in the western Pacific capable of basing significant joint force capabilities and the reality that exceedingly few U.S. mainland workers are willing to travel to Guam to perform this temporary work.

My understanding is that the intent behind the inclusion of the phrase “associated with” is to allow for approval of visas for individuals performing work not only on military-funded facilities and infrastructure, but also for civilian infrastructure projects outside the gate, for example, infrastructure projects funded by the Federal Government, the government of Guam, or nongovernmental sources that are being done, in part, because of the increased number of military personnel and military families moving to Guam.

Is that the chairman's understanding of the intent behind the provision?

Mr. THORNBERRY. Will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from Texas.

Mr. THORNBERRY. Mr. Speaker, I want to thank the ranking member of the Readiness Subcommittee for her work on this issue.

From my visit to Guam last year, I have seen the tremendous military buildup and military value of Guam, and I understand that more is needed as Guam remains a strategic fixture in ensuring peace and stability in the Indo-Asia-Pacific region.

Mr. Speaker, I am pleased to yield an additional 30 seconds to the gentlewoman from Guam if she would continue to yield to me.

Ms. BORDALLO. I yield to the gentleman from Texas.

Mr. THORNBERRY. I agree with the gentlewoman's understanding of the provision.

Further, I support efforts to ensure that Guam has the workforce needed to maintain its strategic posture and military presence necessary to the national security of the United States. I look forward to continuing to work with the gentlewoman from Guam toward that end.

Ms. BORDALLO. Mr. Speaker, I thank the chairman very much and appreciate his great support and look forward to continuing to work with him on the implementation of this provision and to address future workforce needs on Guam in support of the military realignment.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BANKS), who is a valuable member of our committee.

Mr. BANKS of Indiana. Mr. Speaker, it is a great honor of my time in Congress to serve on the House Armed Services Committee with Chairman THORNBERRY, and I am grateful for his leadership.

Mr. Speaker, I rise today in support of the fiscal year 2018 National Defense Authorization Act conference report.

As the most recently deployed veteran serving in Congress, I have seen the national security challenges facing our country, firsthand. While these challenges are not easily solved, this legislation represents a significant step forward.

Whether it is giving our troops a well-deserved raise, significantly increasing end strength numbers for each of the services, allowing for the continued transfer of excess defense articles to allies abroad who are in need, or funding our vital missile defense programs, this legislation begins the long process of rebuilding and reforming our military so we are ready for whatever comes next.

Mr. Speaker, my gratitude goes out to those serving both here at home and abroad, and I urge my colleagues to support this important bipartisan legislation.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BACON), who is a valuable member of our committee.

Mr. BACON. Mr. Speaker, I rise in support of the 2018 National Defense Authorization Act and commend Chairman THORNBERRY for his exemplary leadership in our national defense.

I join my House colleagues in sending a strong, bipartisan message to the

American people that national security must be and will be a national priority for this Congress.

As a member of the Armed Services Committee and a conferee, I am proud of the strong, bipartisan consensus we have forged in both Chambers to reversing our dangerous decline in military readiness. Yet we must temper any pride we feel with the sober reality of the state we are in today: defense spending as a percent of GDP is at historic lows, operational tempo is at historic highs, and threats are growing more stark.

There have been 31 CRs in 10 years, which is a disgrace: a decade of deferred maintenance and modernization, aircraft that don't fly, ships that don't sail, and vehicles that can't move, shoot, or communicate on the modern battlefield. Mishap rates are rising, fatalities are rising, and training is at an all-time low. We have got to fix this.

Despite the lessons of history, we are simply unprepared to fight a modern war in space, cyberspace, in the air, on land, and at sea.

I served in uniform under the past five Presidents and witnessed this erosion of battle readiness firsthand. For me, this is personal.

This NDAA repairs the damage. The additional funding authorized in this bill makes a credible down payment in preserving the common defense and sends a message to both our adversaries and our military of peace through strength.

Mr. Speaker, I urge my colleagues to vote for this conference report.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GALLAGHER), who is another valuable member of our committee.

Mr. GALLAGHER. Mr. Speaker, I rise today to urge my colleagues in the House to support the 2018 NDAA conference report.

This body has no higher or more urgent priority than providing for the common defense and restoring our military readiness. I am proud of the final text that my colleagues in the House and Senate worked together on so diligently.

Not only does this legislation authorize a total of nearly \$700 billion in defense spending, a \$26 billion increase above the President's budget request, but it also provides the largest pay raise for our troops in 8 years.

This NDAA also gets us closer to the critical goal of a 355-ship Navy and includes funding for three littoral combat ships, helping to meet the Navy's urgent and enduring requirement for more small surface combatants.

I want to thank Chairman THORNBERRY for his leadership and my colleagues in the House and Senate who fought tooth and nail to give our warfighters the resources they need to deter threats, support our allies, and, above all, keep the American people safe.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from

Pennsylvania (Mr. ROTHFUS), who is a strong proponent of a strong national defense.

Mr. ROTHFUS. Mr. Speaker, I thank the chairman, Mr. THORNBERRY, and the committee for their diligent work on this legislation.

Mr. Speaker, I rise in strong support of this NDAA conference report. I applaud this bill's goal to improve the readiness level of our military which has been depleted of critical resources after many years of defending this country.

Not only does this legislation begin to rebuild our forces, it includes a long overdue pay raise for our troops.

I applaud the bill's reforms to improve the military healthcare system and make sure taxpayer resources are used appropriately.

I especially want to highlight the current situation in Afghanistan, which needs drastic improvement. Shoring up Afghan security forces is only part of a short-term solution. We need a long-term strategy that brings stability to Afghanistan as well as the entire region. The NDAA directs Secretary Mattis to develop such a 5-year strategy. This is a good step, and I urge the military to continue thinking long term.

Mr. Speaker, I urge all my colleagues to support this report.

Mr. THORNBERRY. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN), who is a valuable member of our committee.

Mr. LAMBORN. Mr. Speaker, I thank the chairman for his great work throughout this whole process leading the committee and getting this to the finish line, but we need to push it over the finish line.

Mr. Speaker, for 56 years, this bill has been the primary way in which Congress executes its Article I constitutional duty to provide for the common defense. This year's bill finally begins to rebuild our military after a half decade of cuts which slashed nearly one-quarter of the defense budget. For 6 years, we have just been barely getting by: cutting resources as the world becomes more dangerous, asking more and more of those who serve, and putting off tough choices. We are at a key decision point.

This bill will continue to save billions of taxpayer dollars while cutting wasteful bureaucracy and streamlining acquisition, but it will also strengthen missile defense and, in many ways, make our military more focused on its core mission of preparing to fight and win wars.

There are so many good things in the bill, I can't go over all of them. I sincerely ask my fellow Members to support this NDAA.

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Mr. SMITH of Washington. Mr. Speaker, I am prepared to close, and I yield myself the balance of my time.

As has been mentioned, this is an excellent bill that a lot of people did very good work on. I thank them for that.

The only issue I want to raise in closing is the money. That is the sticking point and the difficulty that we have.

This bill, as it is currently constructed, is \$80 billion above the budget caps. In the 6 years since the budget caps passed, we have been unwilling to raise those.

But we have a larger problem. We have a \$20 trillion debt. Our deficit is close to \$700 billion. It has no prospect of going down anytime soon. At the same time, we have other needs.

During this debate, we focused like a laser on armed services and the needs of national security and our troops, as well we should. Those needs are incredibly important. I don't doubt that for a second. But you have to look at the whole or we are not going to be able to meet the needs of our national security and our troops. The amount of revenue that we take in as a country, unsurprisingly, impacts—or should impact—the amount of money that we can spend.

We are having this debate now. We are talking about how underfunded the military is and how badly we need to shore up our readiness. I agree with all that. The rest of this week we are going to figure out how to make sure that our government takes in trillions of dollars in less money. That is wildly inconsistent. If we believe we have these needs, we ought to be able to pay for them.

Then there are the other aspects of the budget. I know we are not supposed to talk about that during the Armed Services Committee debate on the National Defense Authorization Act, but the needs for infrastructure and education are things that also make our country strong, not to mention the Department of Homeland Security, the intelligence agencies, and other aspects of our national security, which are all part of the same whole.

If we are going to get to a fiscally responsible place, we can't just say defense gets whatever it wants and then let the chips fall where they may elsewhere.

On the Armed Services Committee, if we truly care about making sure that our troops have enough money, we need to do two more things in addition to this bill.

Number one, we need to argue that we shouldn't do a massive tax cut to undermine our ability to fund defense and national security.

Number two, we need to take a hard look at our national security strategy and figure out where we can save money.

If we keep looking at every single section—it is too short here; it is too short here—we do not have enough money. Even if we had a fit of fiscal responsibility and decided to make cuts elsewhere—which hasn't happened, by the way—and we decided to raise revenue instead of cutting it, even if we did that, we are still looking at needs within the national security budget. When you look at the programs that

people want to fund over the next 10 years, they are wildly beyond the amount of money that we have.

We need a national security strategy that has an honest look at how much money we are going to have. Otherwise, we are not serving our troops.

I know the comeback is: How can you put a price on national security? They should get whatever they need.

The only problem with that is that they don't. If we have a national security strategy that exceeds the amount of money we have, the ones left holding the bag are our troops. They are the ones who are asked to do missions that they are not adequately trained to perform. They are the ones who are asked to train without the adequate resources to train properly.

That is what we must fund. To do that, we need to do more than just pass this bill. We need to have a fiscally responsible approach to the overall budget.

Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

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

Mr. Speaker, I, again, want to thank all the Members who have participated in this debate, and even more importantly, all the Members who have contributed to this product, especially the members of the Armed Services Committee. Truthfully, Members from both sides of the aisle throughout the House have contributed to it.

We have spent several moments here talking about a lot of the details that are in this bill. Mr. Speaker, it is a rather large bill. It covers everything from how much we pay our troops to how many ships and tanks and planes and bullets we buy, as well as what we research and various policies of the Department of Defense. So there is a lot in here.

Let me take a moment just to step back and remind everybody what this is all about. Our Constitution says one of the reasons we have a Federal Government is to provide for the common defense. As a matter of fact, I think that is the first job of the Federal Government: to defend the country, to defend our lives, and to defend our freedoms.

As a matter of fact, Article I, section 8 of the Constitution says specifically it is this Congress' responsibility to build and support, provide and maintain the military forces of the United States of America. That is our job.

By passing this bill, that is how we fulfill that job. But as we have talked about, what has happened in recent years is the world has grown more dangerous. Yet we have cut the defense budget.

As a matter of fact, we are spending 18 percent less now on defense than was spent in 2010, if you measure it in real terms, apples to apples. I cannot think of another significant Federal program that has been cut nearly 20 percent over the last 7 years, yet that is what has happened in defense.

What has happened as a result of that?

Our troops have borne the burden. We are 2,000 pilots short in the Air Force today. Sixty percent of the F-18s in the Navy and Marine Corps cannot fly today.

As Mr. WILSON said, we have just seen tragic accidents in the Pacific, where 17 soldiers have lost their lives. We have had other accidents where others have lost their lives and other accidents where they have not.

The point I am trying to make is that part of the responsibility for all of that happening rests here with the Congress of the United States not fulfilling adequately, in my view, its job under the Constitution.

I would say one more thing, Mr. Speaker. I agree with virtually all of what the ranking member said about the importance of having a strategy and then resourcing that strategy. It is true.

We have not had—and there is some responsibility with administrations of both parties—a coherent strategy that holds together and resources that flow from that. We should.

The fundamental issue is that it is morally wrong to send men and women out on missions with our military for which they are not fully supported, fully trained, and equipped with the best equipment our country can provide. It is wrong for us to do it, and that is exactly what has been happening.

As I mentioned at the beginning, we are not going to turn this around in a single bill or a single year, but we can make a start. This bill makes a start.

I will absolutely agree with the gentleman from Washington and others that we can't really start to turn this around without an appropriations bill that follows it, that matches it, and that really does repair our ships and planes, increases our end-strength, and provides the training that I believe we deserve to give to the men and women who serve.

Finally, Mr. Speaker, I would just remind everyone that there are really two reasons we do this bill. One is that we owe it to the people who risk their lives to defend us. Secondly, for the national security of the United States.

The challenges to our Nation's security have grown more ominous in recent years, certainly more complex than at any time in our lifetimes. This is, I believe, a real opportunity on a bipartisan basis to show the troops that we support them and to show adversaries and allies alike that the United States is going to stand up and defend ourselves by passing this piece of legislation and by following it up with a budget agreement and an appropriations bill that follows.

That is what I think the Constitution requires of us. I hope my colleagues will agree and support this conference report.

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

Mr. MCGOVERN. Mr. Speaker, I am outraged that for the third consecutive year, an amendment to create a service medal for our Atomic Veterans has been dropped from the NDAA Conference Report. I find this particularly shocking as this amendment, which I offered with my Republican colleague, Congressman TOM EMMER, was approved by the House unanimously by a vote of 424–0.

It is unclear to me why our colleagues in the Senate are determined to deprive our Atomic Veterans this most basic recognition of their honorable service.

Between 1945 and 1962, about 225,000 members of our Armed Forces participated in hundreds of nuclear weapons tests. These GIs were placed in extremely dangerous areas and were constantly exposed to potentially dangerous levels of radiation in performance of their duties. They were sworn to secrecy, unable to even talk to their doctors about their past exposure to radiation.

Thankfully, Presidents Bill Clinton and George H.W. Bush recognized the Atomic Veterans' valiant service, and acted to provide specialized care and compensation for their harrowing duty.

In 2007, our allies Great Britain, New Zealand and Australia enacted their versions of this amendment by authorizing a medal to honor their Atomic Veterans who served with the United States.

Regrettably, the Pentagon remains silent on honoring the service of our Atomic Veterans, arguing that to do so would diminish the service of other military personnel who are tasked with dangerous missions. Mr. Speaker, this is a pitiful excuse.

Tragically, more than 75 percent of Atomic Veterans have already passed away, never having received this recognition. They served honorably and kept a code of silence that most certainly led to many of these veterans passing away prematurely.

Past Administrations and Congresses have dealt with the thornier issues of legality and compensation. What remains is recognizing these veterans' duty, honor and faithful service to our nation. And time is running out.

I thank my colleagues here in the House for supporting this amendment. With their continued support, I hope we can convince the Senate or the Pentagon to finally do the right thing, before it's too late. We owe it to our veterans to honor them for their selfless service to our nation.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). All time for debate has expired.

Pursuant to House Resolution 616, the previous question is ordered on the conference report.

The question is on the conference report.

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

Mr. THORNBERRY. 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.

#### 21ST CENTURY FLOOD REFORM ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 616, I call up

the bill (H.R. 2874) to achieve reforms to improve the financial stability of the National Flood Insurance Program, to enhance the development of more accurate estimates of flood risk through new technology and better maps, to increase the role of private markets in the management of flood insurance risks, and to provide for alternative methods to insure against flood peril, 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. Pursuant to House Resolution 616, in lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services printed in the bill, the amendment printed in part A of House Report 115–408, modified by the amendment printed in part B of the report, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2874

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “21st Century Flood Reform Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

#### TITLE I—POLICYHOLDER PROTECTIONS AND INFORMATION

Sec. 101. Extension of National Flood Insurance Program.

Sec. 102. Annual limitation on premium increases.

Sec. 103. Flood insurance affordability program.

Sec. 104. Disclosure of premium methodology.

Sec. 105. Consideration of coastal and inland locations in premium rates.

Sec. 106. Monthly installment payment of premiums.

Sec. 107. Enhanced clear communication of flood risks.

Sec. 108. Availability of flood insurance information upon request.

Sec. 109. Disclosure of flood risk information upon transfer of property.

Sec. 110. Voluntary community-based flood insurance pilot program.

Sec. 111. Use of replacement cost in determining premium rates.

Sec. 112. Cap on premiums.

Sec. 113. Premium rates for certain mitigated properties.

Sec. 114. Study of flood insurance coverage for units in cooperative housing.

Sec. 115. Pilot program for properties with preexisting conditions.

Sec. 116. Federal Flood Insurance Advisory Committee.

Sec. 117. Interagency guidance on compliance.

Sec. 118. GAO study of claims adjustment practices.

Sec. 119. GAO study of flood insurance coverage treatment of earth movement.

Sec. 120. Definitions.

#### TITLE II—INCREASING CONSUMER CHOICE THROUGH PRIVATE MARKET DEVELOPMENT

Sec. 201. Private flood insurance.

- Sec. 202. Opt-out of mandatory coverage requirement for commercial properties.
- Sec. 203. Elimination of non-compete requirement.
- Sec. 204. Public availability of program information.
- Sec. 205. Refund of premiums upon cancellation of policy because of replacement with private flood insurance.
- Sec. 206. GAO study of flood damage savings accounts.
- Sec. 207. Demonstration program for flood damage savings accounts.

#### TITLE III—MAPPING FAIRNESS

- Sec. 301. Use of other risk assessment tools in determining premium rates.
- Sec. 302. Appeals regarding existing flood maps.
- Sec. 303. Appeals and publication of projected special flood hazard areas.
- Sec. 304. Communication and outreach regarding map changes.
- Sec. 305. Sharing and use of maps and data.
- Sec. 306. Community flood maps.

#### TITLE IV—PROTECTING CONSUMERS AND INDIVIDUALS THROUGH IMPROVED MITIGATION

- Sec. 401. Provision of Community Rating System premium credits to maximum number of communities practicable.
- Sec. 402. Community accountability for repetitively flooded areas.
- Sec. 403. Increased cost of compliance coverage.

#### TITLE V—PROGRAM INTEGRITY

- Sec. 501. Independent actuarial review.
- Sec. 502. Adjustments to homeowner flood insurance affordability surcharge.
- Sec. 503. National Flood Insurance Reserve Fund compliance.
- Sec. 504. Designation and treatment of multiple-loss properties.
- Sec. 505. Elimination of coverage for properties with excessive lifetime claims.
- Sec. 506. Prohibition of new coverage for structures with high-value replacement costs.
- Sec. 507. Pay for performance and streamlining costs and reimbursement.
- Sec. 508. Enforcement of mandatory purchase requirements.
- Sec. 509. Satisfaction of mandatory purchase requirement in States allowing all-perils policies.
- Sec. 510. Flood insurance purchase requirements.
- Sec. 511. Clarifications; deadline for approval of claims.
- Sec. 512. Risk transfer requirement.
- Sec. 513. GAO study of simplification of National Flood Insurance Program.
- Sec. 514. GAO study on enforcement of mandatory purchase requirements.

#### TITLE VI—ADMINISTRATIVE REFORMS

- Sec. 601. Penalties for fraud and false statements in the National Flood Insurance Program.
- Sec. 602. Enhanced policyholder appeals process rights.
- Sec. 603. Deadline for approval of claims.
- Sec. 604. Litigation process oversight and reform.
- Sec. 605. Prohibition on hiring disbarred attorneys.
- Sec. 606. Technical assistance reports.
- Sec. 607. Improved disclosure requirement for standard flood insurance policies.

- Sec. 608. Reserve Fund amounts.
- Sec. 609. Sufficient staffing for Office of Flood Insurance Advocate.
- Sec. 610. Limited exemption for disaster or catastrophe claims adjusters.

#### TITLE I—POLICYHOLDER PROTECTIONS AND INFORMATION

##### SEC. 101. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “September 30, 2017” and inserting “September 30, 2022”.

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2017” and inserting “September 30, 2022”.

##### SEC. 102. ANNUAL LIMITATION ON PREMIUM INCREASES.

Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) in paragraph (1), by striking “18 percent” and inserting “15 percent”; and

(2) in paragraph (2)—  
(A) by striking “5 percent” and inserting “6.5 percent”; and

(B) by inserting before the semicolon at the end the following: “, except that (A) during the 12-month period on the date of the enactment of the 21st Century Flood Reform Act this paragraph shall be applied by substituting ‘5 percent’ for ‘6.5 percent’, (B) during the 12-month period beginning upon the expiration of the period referred to in clause (A), this paragraph shall be applied by substituting ‘5.5 percent’ for ‘6.5 percent’, and (C) during the 12-month period beginning upon the expiration of the period referred to in clause (B), this paragraph shall be applied by substituting ‘6.0 percent’ for ‘6.5 percent’”.

##### SEC. 103. FLOOD INSURANCE AFFORDABILITY PROGRAM.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following new section:

##### “SEC. 1326. FLOOD INSURANCE AFFORDABILITY PROGRAM.

“(a) AUTHORITY.—The Administrator shall carry out a program under this section to provide financial assistance, through State programs carried out by participating States, for eligible low-income households residing in eligible properties to purchase policies for flood insurance coverage made available under this title.

“(b) PARTICIPATION.—Participation in the program under this section shall be voluntary on the part of a State or consortium of States.

“(c) STATE ADMINISTRATION.—Each participating State shall delegate to a State agency or nonprofit organization the responsibilities for administering the State’s program under this section.

“(d) ELIGIBLE HOUSEHOLDS.—

“(1) IN GENERAL.—During any fiscal year, assistance under the program under this section may be provided only for a household that has an income, as determined for such fiscal year by the participating State in which such household resides, that is less than the income limitation established for such fiscal year for purposes of the State program by the participating State, except that—

“(A) assistance under the program under this section may not be provided for a household having a income that exceeds the greater of—

“(i) the amount equal to 150 percent of the poverty level for such State; or

“(ii) the amount equal to 60 percent of the median income of households residing in such State; and

“(B) a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for the State in which such household resides.

“(2) STATE VERIFICATION OF INCOME ELIGIBILITY.—In verifying income eligibility for purposes of paragraph (1), the participating State may apply procedures and policies consistent with procedures and policies used by the State agency administering programs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), under title XX of the Social Security Act (42 U.S.C. 1397 et seq.), under subtitle B of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9901 et seq.; relating to community services block grant program), under any other provision of law that carries out programs which were administered under the Economic Opportunity Act of 1964 (42 U.S.C. 2701 et seq.) before August 13, 1981, or under other income assistance or service programs (as determined by the State).

“(3) CERTIFICATION BY STATE OF ELIGIBILITY HOUSEHOLDS.—For each fiscal year, each participating State shall certify to the Administrator compliance of households who are to be provided assistance under the State program during such fiscal year with the income requirements under paragraph (1).

“(e) ELIGIBLE PROPERTIES.—Assistance under the program under this section may be provided only for a residential property—

“(1) that has 4 or fewer residences;

“(2) that is owned and occupied by an eligible household;

“(3) for which a base flood elevation is identified on a flood insurance rate map of the Administrator that is in effect;

“(4) for which such other information is available as the Administrator considers necessary to determine the flood risk associated with such property; and

“(5) that is located in a community that is participating in the national flood insurance program.

“(f) TYPES OF ASSISTANCE.—Under the program under this section, a participating State shall elect to provide financial assistance for eligible households in one of the following forms:

“(1) LIMITATION ON RATE INCREASES.—By establishing a limitation on the rate of increases in the amount of chargeable premiums paid by eligible households for flood insurance coverage made available under this title.

“(2) LIMITATION ON RATES.—By establishing a limitation on the amount of chargeable premiums paid by eligible households for flood insurance coverage made available under this title.

“(g) NOTIFICATION TO FEMA.—Under the program under this section, a participating State shall, on a fiscal year basis and at the time and in the manner provided by the Administrator—

“(1) identify for the Administrator the eligible households residing in the State who are to be provided assistance under the State program during such fiscal year; and

“(2) notify the Administrator of the type and levels of assistance elected under subsection (f) to be provided under the State program with respect to such eligible households residing in the State.

“(h) AMOUNT OF ASSISTANCE.—Under the program under this section, in each fiscal year the Administrator shall, notwithstanding section 1308, make flood insurance coverage available for purchase by households identified as eligible households for such fiscal year by a participating State pursuant to subsection (e) at chargeable premium rates that are discounted by an amount that is based on the type and levels of assistance elected pursuant to subsection

(f) by the participating State for such fiscal year.

“(i) BILLING STATEMENT.—In the case of an eligible household for which assistance under the program under this section is provided with respect to a policy for flood insurance coverage, the annual billing statement for such policy shall include statements of the following amounts:

“(1) The estimated risk premium rate for the property under section 1307(a)(1).

“(2) If applicable, the estimated risk premium rate for the property under section 1307(a)(2).

“(3) The chargeable risk premium rate for the property taking into consideration the discount pursuant to subsection (h).

“(4) The amount of the discount pursuant to subsection (h) for the property.

“(5) The number and dollar value of claims filed for the property, over the life of the property, under a flood insurance policy made available under the Program and the effect, under this Act, of filing any further claims under a flood insurance policy with respect to that property.

“(j) FUNDING THROUGH STATE AFFORDABILITY SURCHARGES.—

“(1) IMPOSITION AND COLLECTION.—Notwithstanding section 1308, for each fiscal year in which flood insurance coverage under this title is made available for properties in a participating State at chargeable premium rates that are discounted pursuant to subsection (f), the Administrator shall impose and collect a State affordability surcharge on each policy for flood insurance coverage for a property located in such participating State that is (A) not a residential property having 4 or fewer residences, or (B) is such a residential property but is owned by a household that is not an eligible household for purposes of such fiscal year.

“(2) AMOUNT.—The amount of the State affordability surcharge imposed during a fiscal year on each such policy for a property in a participating State shall be—

“(A) sufficient such that the aggregate amount of all such State affordability surcharges imposed on properties in such participating State during such fiscal year is equal to the aggregate amount by which all policies for flood insurance coverage under this title sold during such fiscal year for properties owned by eligible households in the participating State are discounted pursuant to subsection (f); and

“(B) the same amount for each property in the participating State being charged such a surplus.

“(k) TREATMENT OF OTHER SURCHARGES.—The provision of assistance under the program under this section with respect to any property and any limitation on premiums or premium increases pursuant to subsection (f) for the property shall not affect the applicability or amount of any surcharge under section 1308A for the property, of any increase in premiums charged for the property pursuant to section 1310A(c), or of any equivalency fee under section 1308B for the property.

“(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) PARTICIPATING STATE.—The term ‘participating State’ means, with respect to a fiscal year, a State that is participating in the program under this section for such fiscal year.

“(2) ELIGIBLE HOUSEHOLD.—The term ‘eligible household’ means, with respect to a fiscal year and a participating State, a household that has an income that is less than the amount of the income limitation for the fiscal year established for purposes of the State program of such participating State pursuant to subsection (g)(1).

“(3) POVERTY LEVEL.—The term ‘poverty level’ means, with respect to a household in

any State, the income poverty line as prescribed and revised at least annually pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), as applicable to such State.

“(4) STATE.—The term ‘State’ shall include a consortium of States established for purposes of administering the program under this section with respect to the member States of the consortium.

“(5) STATE PROGRAM.—The term ‘State program’ means a program carried out in compliance with this section by a participating State in conjunction with the program under this section of the Administrator.

“(m) REGULATIONS.—The Administrator shall issue such regulations as may be necessary to carry out the program under this section.”.

#### SEC. 104. DISCLOSURE OF PREMIUM METHODOLOGY.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

“(n) DISCLOSURE OF PREMIUM METHODOLOGY.—

“(1) DISCLOSURE.—Six months prior to the effective date of risk premium rates, the Administrator shall cause to be published in the Federal Register an explanation of the bases for, and methodology used to determine, the chargeable premium rates to be effective for flood insurance coverage under this title.

“(2) ALIGNMENT WITH INDUSTRY PRACTICES.—The disclosure required under paragraph (1) shall, to the extent practicable, be aligned with industry patterns and practices and shall include information and data recommended by the State insurance commissioners guidelines on rate filings.

“(3) PUBLIC MEETINGS.—The Administrator shall, on an annual basis, hold at least one public meeting in each of the geographical regions of the United States, as defined by the Administrator for purposes of the National Flood Insurance Program, for the purpose of explaining the methodology described in paragraph (1) and answering questions and receiving comments regarding such methodology. The Administrator shall provide notice of each such public meeting in advance, in such manner, and in using such means as are reasonably designed to notify interested parties and members of the public of the date and time, location, and purpose of such meeting, and of how to submit questions or comments.”.

#### SEC. 105. CONSIDERATION OF COASTAL AND INLAND LOCATIONS IN PREMIUM RATES.

(a) ESTIMATES OF PREMIUM RATES.—Subparagraph (A) of section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(A)) is amended—

(1) in clause (i), by striking “and” at the end; and

(2) by adding at the end the following new clause:

“(iii) the differences in flood risk for properties impacted by coastal flood risk and properties impacted by riverine, or inland flood risk; and”.

(b) ESTABLISHMENT OF CHARGEABLE PREMIUM RATES.—Paragraph (1) of section 1308(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)(1)) is amended by inserting “due to differences in flood risk resulting from coastal flood hazards and riverine, or inland flood hazards and” after “including differences in risks”.

(c) REVISED RATES.—Not later than the expiration of the two-year period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall revise risk premium rates under the National Flood Insurance

Program to implement the amendments made by this section.

#### SEC. 106. MONTHLY INSTALLMENT PAYMENT OF PREMIUMS.

(a) AUTHORITY.—Subsection (g) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(g)) is amended—

(1) by striking the subsection designation and all that follows through “With respect” and inserting the following:

“(g) FREQUENCY OF PREMIUM COLLECTION.—“(1) OPTIONS.—With respect”; and

(2) by adding at the end the following:

“(2) MONTHLY INSTALLMENT PAYMENT OF PREMIUMS.—

“(A) EXEMPTION FROM RULEMAKING.—Until such time as the Administrator promulgates regulations implementing paragraph (1) of this subsection, the Administrator may adopt policies and procedures, notwithstanding any other provisions of law and in alignment and consistent with existing industry escrow and servicing standards, necessary to implement such paragraph without undergoing notice and comment rulemaking and without conducting regulatory analyses otherwise required by statute, regulation, or Executive order.

“(B) PILOT PROGRAM.—The Administrator may initially implement paragraph (1) of this subsection as a pilot program that provides for a gradual phase-in of implementation.

“(C) POLICYHOLDER PROTECTION.—The Administrator may—

“(i) during the 12-month period beginning on the date of the enactment of this subparagraph, charge policyholders choosing to pay premiums in monthly installments a fee for the total cost of the monthly collection of premiums not to exceed \$25 annually; and

“(ii) after the expiration of the 12-month period referred to in clause (i), adjust the fee charged annually to cover the total cost of the monthly collection of premiums as determined by the report submitted pursuant to subparagraph (D).

“(D) REPORT.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, that sets forth all of the costs associated with the monthly payment of premiums, including any up-front costs associated with infrastructure development, the impact on all policyholders including those that exercise the option to pay monthly and those that do not, options for minimizing the costs, particularly the costs to policyholders, and the feasibility of adopting practices that serve to minimize costs to policyholders such as automatic payments and electronic payments.

“(E) ANNUAL REPORTS.—On an annual basis, the Administrator shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the ongoing costs associated with the monthly payment of premiums.”.

(b) IMPLEMENTATION.—Clause (ii) of section 1307(a)(1)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(B)(ii)) is amended by inserting before “any administrative expenses” the following: “the costs associated with the monthly collection of premiums provided for in section 1308(g) (42 U.S.C. 4015(g)), but only if such costs exceed the operating costs and allowances set forth in clause (1) of this subparagraph, and”.

#### SEC. 107. ENHANCED CLEAR COMMUNICATION OF FLOOD RISKS.

(a) IN GENERAL.—Subsection (1) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(1)) is amended to read as follows:

“(1) CLEAR COMMUNICATIONS.—

“(1) NEWLY ISSUED AND RENEWED POLICIES.—For all policies for flood insurance coverage under the National Flood Insurance Program that are newly issued or renewed, the Administrator shall clearly communicate to policyholders—

“(A) their full flood risk determinations, regardless of whether their premium rates are full actuarial rates; and

“(B) the number and dollar value of claims filed for the property, over the life of the property, under a flood insurance policy made available under the Program and the effect, under this Act, of filing any further claims under a flood insurance policy with respect to that property.”.

(b) EFFECTIVE DATE.—Subsection (l) of section 1308 of the National Flood Insurance Act of 1968, as added by subsection (a) of this section, shall take effect beginning upon the expiration of the 12-month period that begins on the date of the enactment of this Act. Such subsection (l), as in effect immediately before the amendment made by paragraph (1), shall apply during such 12-month period.

**SEC. 108. AVAILABILITY OF FLOOD INSURANCE INFORMATION UPON REQUEST.**

Section 1313 of the National Flood Insurance Act of 1968 (42 U.S.C. 4020) is amended—

(1) by inserting “(a) PUBLIC INFORMATION AND DATA.—” after “SEC. 1313.”; and

(2) by adding at the end the following new subsection:

“(b) AVAILABILITY OF FLOOD INSURANCE INFORMATION UPON REQUEST.—Not later than 30 days after a request for such information by the current owner of a property, the Administrator shall provide to the owner any information, including historical information, available to the Administrator on flood insurance program coverage, payment of claims, and flood damages for the property at issue, and any information the Administrator has on whether the property owner may be required to purchase coverage under the National Flood Insurance Program due to previous receipt of Federal disaster assistance, including assistance provided by the Small Business Administration, the Department of Housing and Urban Development, or the Federal Emergency Management Agency, or any other type of assistance that subjects the property to the mandatory purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).”.

**SEC. 109. DISCLOSURE OF FLOOD RISK INFORMATION UPON TRANSFER OF PROPERTY.**

(a) IN GENERAL.—Chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

**“SEC. 1327. DISCLOSURE OF FLOOD RISK INFORMATION UPON TRANSFER OF PROPERTY.**

“(a) REQUIREMENT FOR PARTICIPATION IN PROGRAM.—After September 30, 2022, no new flood insurance coverage may be provided under this title for any real property located in any area (or subdivision thereof) unless an appropriate body has imposed, by statute or regulation, a duty on any seller or lessor of improved real estate located in such area to provide to any purchaser or lessee of such property a property flood hazard disclosure which the Administrator has determined meets the requirements of subsection (b).

“(b) DISCLOSURE REQUIREMENTS.—A property flood hazard disclosure for a property shall meet the requirements of this subsection only if the disclosure—

“(1) is made in writing;

“(2) discloses any actual knowledge of the seller or lessor of—

“(A) prior physical damage caused by flood to any building located on the property;

“(B) prior insurance claims for losses covered under the National Flood Insurance Program or private flood insurance with respect to such property;

“(C) any previous notification regarding the designation of the property as a multiple loss property; and

“(D) any Federal legal obligation to obtain and maintain flood insurance running with the property, such as any obligation due to a previous form of disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act received by any owner of the property; and

“(3) is delivered by or on behalf of the seller or lessor to the purchaser or lessee before such purchaser or lessee becomes obligated under any contract for purchase or lease of the property.”.

(b) AVAILABILITY OF FLOOD INSURANCE COVERAGE.—Subsection (c) of section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

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

“(3) given satisfactory assurance that by September 30, 2022, property flood hazard disclosure requirements will have been adopted for the area that meet the requirements of section 1326.”.

**SEC. 110. VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE PILOT PROGRAM.**

(a) ESTABLISHMENT.—The Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”) may carry out a community-based flood insurance pilot program to make available, for purchase by participating communities, a single, community-wide flood insurance policy under the National Flood Insurance Program that—

(1) covers all residential and non-residential properties within the community; and

(2) satisfies, for all such properties within the community, the mandatory purchase requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).

(b) PARTICIPATION.—Participation by a community in the pilot program under this section shall be entirely voluntary on the part of the community.

(c) REQUIREMENTS FOR COMMUNITY-WIDE POLICIES.—The Administrator shall ensure that a community-wide flood insurance policy made available under the pilot program under this section incorporates the following requirements:

(1) A mapping requirement for properties covered by the policy.

(2) A cap on premiums.

(3) A deductible.

(4) Certification or accreditation of mitigation infrastructure when available and appropriate.

(5) A community audit.

(6) The Community Rating System under section 1315(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4022(b)).

(7) A method of preventing redundant claims payments by the National Flood Insurance Program in the case of a claim by an individual property owner who is covered by a community-wide flood insurance policy and an individual policy obtained through the Program.

(8) Coverage for damage arising from flooding that complies with the standards under the National Flood Insurance Program appropriate to the nature and type of property covered.

(d) TIMING.—The Administrator may establish the demonstration program under this section not later than the expiration of the

180-day period beginning on the date of the enactment of this Act and the program shall terminate on September 30, 2022.

(e) DEFINITION OF COMMUNITY.—For purposes of this section, the term “community” means any unit of local government, within the meaning given such term under the laws of the applicable State.

**SEC. 111. USE OF REPLACEMENT COST IN DETERMINING PREMIUM RATES.**

(a) STUDY OF RISK RATING REDESIGN FLOOD INSURANCE PREMIUM RATING OPTIONS.—

(1) STUDY.—The Administrator of the Federal Emergency Management Agency shall conduct a study to—

(A) evaluate insurance industry best practices for risk rating and classification, including practices related to replacement cost value in premium rate estimations;

(B) assess options, methods, and strategies for including replacement cost value in the Administrator’s estimates under section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1));

(C) provide recommendations for including replacement cost value in the estimate of the risk premium rates for flood insurance under such section 1307(a)(1);

(D) identify an appropriate methodology to incorporate replacement cost value into the Administrator’s estimates under such section 1307(a)(1);

(E) develop a feasible implementation plan and projected timeline for including replacement cost value in the estimates of risk premium rates for flood insurance made available under the National Flood Insurance Program.

(2) REPORT.—

(A) REQUIREMENT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Administrator shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that contains the results and conclusions of the study required under paragraph (1).

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) an analysis of the recommendations resulting from the study under paragraph (1) and any potential impacts on the National Flood Insurance Program, including cost considerations;

(ii) a description of any actions taken by the Administrator to implement the study recommendations; and

(iii) a description of any study recommendations that have been deferred or not acted upon, together with a statement explaining the reasons for such deferral or inaction.

(b) USE OF REPLACEMENT COST VALUE IN PREMIUM RATES; IMPLEMENTATION.—

(1) ESTIMATED RATES.—Paragraph (1) of section 1307(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting after “flood insurance” the following: “, which shall incorporate replacement cost value, and”.

(2) CHARGEABLE RATES.—Subsection (b) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)) is amended, in the matter preceding paragraph (1), by inserting after “Such rates” the following: “shall incorporate replacement cost value and”.

(3) EFFECTIVE DATE.—The amendments under paragraphs (1) and (2) of this subsection shall be made upon the expiration of the 12-month period beginning on the date of the enactment of this Act.

(4) APPLICABILITY AND PHASE-IN.—The Administrator of the Federal Emergency Management Agency shall apply the amendments



under paragraphs (1) and (2) to flood insurance coverage made available under the National Flood Insurance Act of 1968 for properties located in various geographic regions in the United States such that—

(A) over the period beginning upon the expiration of the period referred to in paragraph (3) of this subsection and ending on December 31, 2020, the requirement under such amendments shall be gradually phased in geographically throughout the United States as sufficient information for such implementation becomes available; and

(B) after the expiration of such period referred to in subparagraph (A), such amendments shall apply to all flood insurance coverage made available under the National Flood Insurance Act of 1968.

#### SEC. 112. CAP ON PREMIUMS.

Paragraph (1) of section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)(1)) is amended—

(1) by striking “except —” and inserting “except as provided in paragraph (4); and”;

(2) by striking subparagraphs (A) and (B);

(3) in subparagraph (C)—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively;

(B) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively; and

(C) by striking “(C) in the case of a property that—” and inserting the following:

“(B) The limitations under clauses (i) and (ii) of subparagraph (A) shall not apply in the case of—

“(i) a property identified under section 1307(g); or

“(ii) a property that—”;

(4) by striking “under this title for any property” and inserting the following: “under this title—

“(i) for any property”;

(5) by inserting “(A) subject to subparagraph (B),” after the paragraph designation; and

(6) by inserting before subparagraph (B), as so redesignated by the amendment made by paragraph (3)(C) of this section, the following new clause:

“(ii) for any residential property having 4 or fewer residences and for which there is elevation data meeting standards of the Administrator, may not exceed \$10,000 in any single year, except that such amount (as it may have been previously adjusted) shall be adjusted for inflation by the Administrator upon the expiration of the 5-year period beginning upon the date of the enactment of the 21st Century Flood Reform Act and upon the expiration of each successive 5-year period thereafter, in accordance with an inflationary index selected by the Administrator.”.

#### SEC. 113. PREMIUM RATES FOR CERTAIN MITIGATED PROPERTIES.

(a) MITIGATION STRATEGIES.—Paragraph (1) of section 1361(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4102(d)(1)) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking “and” at the end; and

(3) by inserting after subparagraph (B) the following new subparagraphs:

“(C) with respect to buildings in dense urban environments, methods that can be deployed on a block or neighborhood scale; and

“(D) elevation of mechanical systems; and”.

(b) MITIGATION CREDIT.—Subsection (k) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(k)) is amended—

(1) by striking “shall take into account” and inserting the following: “shall—

“(1) take into account”;

(2) in paragraph (1), as so designated by the amendment made by paragraph (1) of this subsection, by striking the period at the end and inserting “; and”;

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

“(2) offer a reduction of the risk premium rate charged to a policyholder, as determined by the Administrator, if the policyholder implements any mitigation method described in paragraph (1).”.

#### SEC. 114. STUDY OF FLOOD INSURANCE COVERAGE FOR UNITS IN COOPERATIVE HOUSING.

The Administrator of the Federal Emergency Management Agency shall conduct a study to analyze and determine the feasibility of providing flood insurance coverage under the National Flood Insurance Program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for individual dwelling units in cooperative housing projects. Not later than the expiration of the 24-month period beginning on the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the findings and conclusions of the study conducted pursuant to this section, which shall include a plan setting forth specific actions to implement the development of such flood insurance coverage.

#### SEC. 115. PILOT PROGRAM FOR PROPERTIES WITH PREEXISTING CONDITIONS.

Section 1311 of the National Flood Insurance Act of 1968 (42 U.S.C. 4018) is amended by adding at the end the following new subsection:

“(c) PILOT PROGRAM FOR INVESTIGATION OF PREEXISTING STRUCTURAL CONDITIONS.—

“(1) VOLUNTARY PROGRAM.—The Administrator shall carry out a pilot program under this subsection to provide for companies participating in the Write Your Own program (as such term is defined in section 1370(a) (42 U.S.C. 4121(a))) to investigate preexisting structural conditions of insured properties and potentially insured properties that could result in the denial of a claim under a policy for flood insurance coverage under this title in the event of a flood loss to such property. Participation in the pilot program shall be voluntary on the part of Write Your Own companies.

“(2) INVESTIGATION OF PROPERTIES.—Under the pilot program under this subsection, a Write Your Own company participating in the program shall—

“(A) provide in policies for flood insurance coverage under this title covered by the program that, upon the request of the policyholder, the company shall provide for—

“(i) an investigation of the property covered by such policy, using common methods, to determine whether preexisting structural conditions are present that could result in the denial of a claim under such policy for flood losses; and

“(ii) if such investigation is not determinative, an on-site inspection of the property to determine whether such preexisting structural conditions are present;

“(B) upon completion of an investigation or inspection pursuant to subparagraph (A) that determines that such a preexisting structural condition is present or absent, submit a report to the policyholder and Administrator describing the condition; and

“(C) impose a surcharge on each policy described in subparagraph (A) in such amount that the Administrator determines is appropriate to cover the costs of investigations and inspections performed pursuant to such policies and reimburse Write Your Own com-

panies participating in the program under this subsection for such costs.

“(3) INTERIM REPORT.—Not later than December 31, 2021, the Administrator shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the operation of the pilot program to that date.

“(4) SUNSET.—The Administrator may not provide any policy for flood insurance described in paragraph (2)(A) after December 31, 2022.

“(5) FINAL REPORT.—Not later than March 31, 2023, the Administrator shall submit a final report regarding the pilot program under this section to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include any findings and recommendations of the Administrator regarding the pilot program.”.

#### SEC. 116. FEDERAL FLOOD INSURANCE ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the Federal Flood Insurance Advisory Committee (in this section referred to as the “Committee”).

(b) MEMBERSHIP.—

(1) MEMBERS.—The Committee shall consist of—

(A) the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”), or the designee thereof;

(B) the Secretary of the Treasury, or the designee thereof; and

(C) additional members appointed by the Administrator or the designee of the Administrator, who shall be—

(i) two representatives of the property and casualty insurance sector;

(ii) one individual who served in the past, or is currently serving, as an insurance regulator of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, or any federally-recognized Indian tribe;

(iii) one representative of the financial or insurance sectors who is involved in risk transfers, including reinsurance, resilience bonds, and other insurance-linked securities;

(iv) one actuary with demonstrated high-level knowledge of catastrophic risk insurance;

(v) two insurance professionals with demonstrated experience with the sale of flood insurance under the National Flood Insurance Program;

(vi) two representatives of catastrophic risk insurance programs;

(vii) one insurance claims specialist;

(viii) one representative of a recognized consumer advocacy organization;

(ix) one individual having demonstrated expertise in the challenges in insuring low-income communities;

(x) one representative from an academic institution who has demonstrated expertise in insurance; and

(xi) such other recognized experts in the field of insurance as the Administrator considers necessary.

(2) QUALIFICATIONS.—In appointing members under paragraph (1)(C), the Administrator shall, to the maximum extent practicable, ensure the membership of the Committee has a balance of members reflecting geographic diversity, including representation from areas inland or with coastline identified by the Administrator as at high risk for flooding or as areas having special flood hazards.

(c) **DUTIES.**—The Committee shall review, and make recommendations to the Administrator, upon request, on matters related to the insurance aspects of the National Flood Insurance Program, including ratemaking, technology to administer insurance, risk assessment, actuarial practices, claims practices, sales and insurance delivery, compensation and allowances, generally and based on the complexities of the program, and best insurance practices.

(d) **CHAIRPERSON.**—The members of the Committee shall elect one member to serve as the chairperson of the Committee (in this section referred to as the “Chairperson”).

(e) **COMPENSATION.**—Members of the Committee shall receive no additional compensation by reason of their service on the Committee.

(f) **MEETINGS AND ACTIONS.**—

(1) **IN GENERAL.**—The Committee shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members in accordance with the Committee’s charter.

(2) **INITIAL MEETING.**—The Administrator, or a person designated by the Administrator, shall request and coordinate the initial meeting of the Committee.

(g) **STAFF OF FEMA.**—Upon the request of the Chairperson, the Administrator may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Committee in carrying out its duties.

(h) **POWERS.**—In carrying out this section, the Committee may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(i) **REPORTS TO CONGRESS.**—The Administrator, on an annual basis, shall report to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Office of Management and Budget on—

(1) the recommendations made by the Committee;

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve the insurance aspects of the national flood insurance program; and

(3) any recommendations made by the Committee that have been deferred or not acted upon, together with an explanatory statement.

#### **SEC. 117. INTERAGENCY GUIDANCE ON COMPLIANCE.**

The Federal entities for lending regulation (as such term is defined in section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a))), in consultation with the Administrator of the Federal Emergency Management Agency, shall update and reissue the document entitled “Interagency Questions and Answers Regarding Flood Insurance” not later than the expiration of the 12-month period beginning on the date of the enactment of this Act and not less frequently than biennially thereafter.

#### **SEC. 118. GAO STUDY OF CLAIMS ADJUSTMENT PRACTICES.**

The Comptroller General of the United States shall conduct a study of the policies and practices for adjustment of claims for losses under flood insurance coverage made available under the National Flood Insurance Act, which shall include—

(1) a comparison of such policies and practices with the policies and practices for adjustment of claims for losses under other insurance coverage;

(2) an assessment of the quality of the adjustments conducted and the effects of such policies and practices on such quality;

(3) identification of any incentives under such policies and practices that affect the speed with which such adjustments are conducted; and

(4) identification of the affects of such policies and practices on insureds submitting such claims for losses.

#### **SEC. 119. GAO STUDY OF FLOOD INSURANCE COVERAGE TREATMENT OF EARTH MOVEMENT.**

The Comptroller General of the United States shall conduct a study of the treatment, under flood insurance coverage made available under the National Flood Insurance Act, of earth movement and subsidence, including earth movement and subsidence caused by flooding, which shall include—

(1) identification and analysis of the effects of such treatment on the National Flood Insurance Program and insureds under the program;

(2) an assessment of the availability and affordability of coverage in the private insurance market for earth movement and subsidence caused by flooding;

(3) an assessment of the effects on the National Flood Insurance Program of covering earth movement and subsidence caused by flooding; and

(4) a projection of the increased premiums that would be required to make coverage for earth movement losses actuarially sound and not fiscally detrimental to the continuation of the National Flood Insurance Program.

#### **SEC. 120. DEFINITIONS.**

(a) **NATIONAL FLOOD INSURANCE ACT OF 1968.**—Subsection (a) of section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)) is amended—

(1) in paragraph (14), by striking “and” at the end;

(2) in paragraph (15), by striking the period at the end and inserting a semicolon; and

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

“(16) the term ‘Write Your Own Program’ means the program under which the Federal Emergency Management Agency enters into a standard arrangement with private property insurance companies to sell contracts for flood insurance coverage under this title under their own business lines of insurance, and to adjust and pay claims arising under such contracts; and

“(17) the term ‘Write Your Own company’ means a private property insurance company that participates in the Write Your Own Program.”

(b) **BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012.**—Subsection (a) of section 100202 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4004(a)) is amended by striking paragraph (5) and inserting the following new paragraph:

“(5) **WRITE YOUR OWN.**—The terms ‘Write Your Own Program’ and ‘Write Your Own company’ have the meanings given such terms in section 1370(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)).”

#### **TITLE II—INCREASING CONSUMER CHOICE THROUGH PRIVATE MARKET DEVELOPMENT**

##### **SEC. 201. PRIVATE FLOOD INSURANCE.**

(a) **MANDATORY PURCHASE REQUIREMENT.**—

(1) **AMOUNT AND TERM OF COVERAGE.**—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by striking “Sec. 102. (a)” and all that follows through the end of subsection (a) and inserting the following:

“SEC. 102. (a) **AMOUNT AND TERM OF COVERAGE.**—After the expiration of sixty days following the date of the enactment of this Act, no Federal officer or agency shall approve any financial assistance for acquisition or construction purposes for use in any

area that has been identified by the Administrator as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property to which such financial assistance relates is covered by flood insurance: *Provided*, That the amount of flood insurance (1) in the case of Federal flood insurance, is at least equal to the development or project cost of the building, mobile home, or personal property (less estimated land cost), the outstanding principal balance of the loan, or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less; or (2) in the case of private flood insurance, is at least equal to the development or project cost of the building, mobile home, or personal property (less estimated land cost), the outstanding principal balance of the loan, or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less: *Provided further*, That if the financial assistance provided is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan. The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.”

(2) **REQUIREMENT FOR MORTGAGE LOANS.**—Subsection (b) of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended—

(A) by striking paragraph (7);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking the subsection designation and all that follows through the end of paragraph (5) and inserting the following:

“(b) **REQUIREMENT FOR MORTGAGE LOANS.**—

“(1) **REGULATED LENDING INSTITUTIONS.**—Each Federal entity for lending regulation (after consultation and coordination with the Financial Institutions Examination Council established under the Federal Financial Institutions Examination Council Act of 1974) shall by regulation direct regulated lending institutions not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Administrator as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance: *Provided*, That the amount of flood insurance (A) in the case of Federal flood insurance, is at least equal to the outstanding principal balance of the loan or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less; or (B) in the case of private flood insurance, is at least equal to the outstanding principal balance of the loan or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less.

“(2) **FEDERAL AGENCY LENDERS AND MORTGAGE INSURANCE AND GUARANTEE AGENCIES.**—

“(A) **FEDERAL AGENCY LENDERS.**—A Federal agency lender may not make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Administrator as an area having special flood hazards and in which flood insurance has been made available under the National

Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in accordance with paragraph (1). Each Federal agency lender may issue any regulations necessary to carry out this paragraph. Such regulations shall be consistent with and substantially identical to the regulations issued under paragraph (1).

**“(B) OTHER FEDERAL MORTGAGE ENTITIES.—**

**“(i) COVERAGE REQUIREMENTS.—**Each covered Federal mortgage entity shall implement procedures reasonably designed to ensure that, for any loan that—

**“(I) is secured by improved real estate or a mobile home located in an area that has been identified, at the time of the origination of the loan or at any time during the term of the loan, by the Administrator as an area having special flood hazards and in which flood insurance is available under the National Flood Insurance Act of 1968, and**

**“(II) is made, insured, held, or guaranteed by such entity, or backs or on which is based any trust certificate or other security for which such entity guarantees the timely payment of principal and interest, the building or mobile home and any personal property securing the loan is covered for the term of the loan by flood insurance in the amount provided in paragraph (1).**

**“(ii) DEFINITION.—**For purposes of this subparagraph, the term ‘covered Federal mortgage entity’ means—

**“(I) the Secretary of Housing and Urban Development, with respect to mortgages insured under the National Housing Act;**

**“(II) the Secretary of Agriculture, with respect to loans made, insured, or guaranteed under title V of the Housing Act of 1949; and**

**“(III) the Government National Mortgage Association.**

**“(C) REQUIREMENT TO ACCEPT FLOOD INSURANCE.—**Each Federal agency lender and each covered Federal mortgage entity shall accept flood insurance as satisfaction of the flood insurance coverage requirement under subparagraph (A) or (B), respectively, if the flood insurance coverage meets the requirements for coverage under such subparagraph and the requirements relating to financial strength issued pursuant to paragraph (4).

**“(3) GOVERNMENT-SPONSORED ENTERPRISES FOR HOUSING.—**The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall implement procedures reasonably designed to ensure that, for any loan that is—

**“(A) secured by improved real estate or a mobile home located in an area that has been identified, at the time of the origination of the loan or at any time during the term of the loan, by the Administrator as an area having special flood hazards and in which flood insurance is available under the National Flood Insurance Act of 1968, and**

**“(B) purchased or guaranteed by such entity, the building or mobile home and any personal property securing the loan is covered for the term of the loan by flood insurance in the amount provided in paragraph (1). The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall accept flood insurance as satisfaction of the flood insurance coverage requirement under paragraph (1) if the flood insurance coverage provided meets the requirements for coverage under that paragraph and the requirements relating to financial strength issued pursuant to paragraph (4).**

**“(4) REQUIREMENTS REGARDING FINANCIAL STRENGTH.—**The Director of the Federal Housing Finance Agency, in consultation with the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Secretary of Housing and

Urban Development, the Government National Mortgage Association, and the Secretary of Agriculture shall develop and implement requirements relating to the financial strength of private insurance companies from which such entities and agencies will accept private flood insurance, provided that such requirements shall not affect or conflict with any State law, regulation, or procedure concerning the regulation of the business of insurance.

**“(5) APPLICABILITY.—**

**“(A) EXISTING COVERAGE.—**Except as provided in subparagraph (B), paragraph (1) shall apply on the date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994.

**“(B) NEW COVERAGE.—**Paragraphs (2) and (3) shall apply only with respect to any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994. Paragraph (1) shall apply with respect to any loan made, increased, extended, or renewed by any lender supervised by the Farm Credit Administration only after the expiration of the period under this subparagraph.

**“(C) CONTINUED EFFECT OF REGULATIONS.—**Notwithstanding any other provision of this subsection, the regulations to carry out paragraph (1), as in effect immediately before the date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994, shall continue to apply until the regulations issued to carry out paragraph (1) as amended by section 522(a) of such Act take effect.

**“(6) RULE OF CONSTRUCTION.—**Except as otherwise specified, any reference to flood insurance in this section shall be considered to include Federal flood insurance and private flood insurance. Nothing in this subsection shall be construed to supersede or limit the authority of a Federal entity for lending regulation, the Federal Housing Finance Agency, a Federal agency lender, a covered Federal mortgage entity (as such term is defined in paragraph (2)(B)(ii)), the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation to establish requirements relating to the financial strength of private insurance companies from which the entity or agency will accept private flood insurance, provided that such requirements shall not affect or conflict with any State law, regulation, or procedure concerning the regulation of the business of insurance.”; and

(D) by adding at the end the following new paragraphs:

**“(8) DEFINITIONS.—**In this section:

**“(A) FLOOD INSURANCE.—**The term ‘flood insurance’ means—

**“(i) Federal flood insurance; and**

**“(ii) private flood insurance.**

**“(B) FEDERAL FLOOD INSURANCE.—**The term ‘Federal flood insurance’ means an insurance policy made available under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

**“(C) MUTUAL AID SOCIETY.—**The term ‘mutual aid society’ means an organization—

**“(i) the members of which—**

**“(I) share a common set of ethical or religious beliefs; and**

**“(II) in accordance with the beliefs described in subclause (I), agree to cover expenses arising from damage to property of the members of the organization, including damage caused by flooding; and**

**“(ii) that has a demonstrated history of fulfilling the terms of agreements to cover expenses arising from damage to property of the members of the organization caused by flooding.**

**“(D) PRIVATE FLOOD INSURANCE.—**The term ‘private flood insurance’ means—

**“(i) an insurance policy that—**

**“(I) is issued by an insurance company that is—**

**“(aa) licensed, admitted, or otherwise approved to engage in the business of insurance in the State in which the insured building is located, by the insurance regulator of that State; or**

**“(bb) eligible as a nonadmitted insurer to provide insurance in the home State of the insured, in accordance with sections 521 through 527 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8201 through 8206);**

**“(II) is issued by an insurance company that is not otherwise disapproved as a surplus lines insurer by the insurance regulator of the State in which the property to be insured is located; and**

**“(III) provides flood insurance coverage that complies with the laws and regulations of that State; or**

**“(ii) an agreement with a mutual aid society for such society to cover expenses arising from damage to property of the members of such society caused by flooding, unless the State in which the property to be insured is located has—**

**“(I) determined that the specific mutual aid society may not provide such coverage or provide such coverage in such manner; or**

**“(II) specifically provided through law or regulation that mutual aid societies may not provide such coverage or provide such coverage in such manner.**

**“(E) STATE.—**The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.”.

**(b) EFFECT OF PRIVATE FLOOD INSURANCE COVERAGE ON CONTINUOUS COVERAGE REQUIREMENTS.—**Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

**“(c) EFFECT OF PRIVATE FLOOD INSURANCE COVERAGE ON CONTINUOUS COVERAGE REQUIREMENTS.—**For purposes of applying any statutory, regulatory, or administrative continuous coverage requirement, including under section 1307(g)(1), the Administrator shall consider any period during which a property was continuously covered by private flood insurance (as defined in section 102(b)(8) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)(8))) to be a period of continuous coverage.”.

**SEC. 202. OPT-OUT OF MANDATORY COVERAGE REQUIREMENT FOR COMMERCIAL PROPERTIES.**

**(a) AMENDMENTS TO FLOOD DISASTER PROTECTION ACT OF 1973.—**Effective on January 1, 2019, the Flood Disaster Protection Act of 1973, as amended by the preceding provisions of this Act, is further amended—

**(1) in section 3(a) (42 U.S.C. 4003(a))—**

**(A) in paragraph (10), by striking “and” at the end;**

**(B) in paragraph (11), by striking the period at the end and inserting “; and”; and**

**(C) by adding at the end the following new paragraph:**

**“(12) ‘residential improved real estate’ means improved real estate that—**

**“(A) is primarily used for residential purposes, as defined by the Federal entities for lending regulation; and**

**“(B) secures financing or financial assistance provided through a federally related single family loan program, as defined by the Federal entities for lending regulation.”; and**

**(2) in section 102 (42 U.S.C. 4012a)—**

**(A) in subsection (b)—**

**(i) in paragraph (1)—**

(I) by inserting “residential” before “improved real estate”; and

(II) by inserting “residential” before “building or mobile home”;

(i) in paragraph (2)—

(I) by inserting “residential” before “improved real estate” each place such term appears; and

(II) by inserting “residential” before “building or mobile home” each place such term appears; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by inserting “residential” before “improved real estate”; and

(II) in the matter after and below subparagraph (B), by inserting “residential” before “building or mobile home”;

(B) in subsection (c)(3), by striking “, in the case of any residential property, for any structure that is a part of such property” and inserting “for any structure that is a part of a residential property”;

(C) in subsection (e)—

(i) in paragraph (1)—

(I) by inserting “residential” before “improved real estate”; and

(II) by inserting “residential” before “building or mobile home” each place such term appears; and

(ii) in paragraph (5)—

(I) in subparagraph (A)—

(aa) by inserting “residential” before “improved real estate” each place such term appears; and

(bb) by inserting “residential” before “building or mobile home” each place such term appears; and

(II) in subparagraph (B), by inserting “residential” before “building or mobile home” each place such term appears; and

(III) in subparagraph (C), by inserting “residential” before “building or mobile home”; and

(D) in subsection (h)—

(i) by inserting “residential” before “improved real estate” each place such term appears; and

(ii) in the matter preceding paragraph (1), by inserting “residential” before “building or mobile home”.

(b) AMENDMENTS TO NATIONAL FLOOD INSURANCE ACT OF 1968.—Effective on January 1, 2019, the National Flood Insurance Act of 1968, as amended by the preceding provisions of this Act, is further amended—

(1) in section 1364(a) (42 U.S.C. 4104a(a))—

(A) in paragraph (1), by inserting “residential” before “improved real estate”;

(B) in paragraph (2), by inserting “residential” before “improved real estate”; and

(C) in paragraph (3)(A), by inserting “residential” before “building”;

(2) in section 1365 (42 U.S.C. 4104b)—

(A) in subsection (a)—

(i) by inserting “residential” before “improved real estate”; and

(ii) by inserting “residential” before “building”;

(B) in subsection (b)(2)—

(i) by inserting “residential” before “building” each place such term appears; and

(ii) by inserting “residential” before “improved real estate” each place such term appears;

(C) in subsection (d), by inserting “residential” before “improved real estate” each place such term appears; and

(D) in subsection (e)—

(i) by inserting “residential” before “improved real estate”; and

(ii) by inserting “residential” before “building” each place such term appears; and

(3) in section 1370 (42 U.S.C. 4121)—

(A) in paragraph (8), by inserting “residential” before “improved real estate”;

(B) by redesignating paragraphs (14) through (17) as paragraphs (15) through (18), respectively; and

(C) by inserting after paragraph (13) the following new paragraph:

“(14) the term ‘residential improved real estate’ means improved real estate that—

“(A) is primarily used for residential purposes, as defined by the Federal entities for lending regulation; and

“(B) secures financing or financial assistance provided through a federally related single family loan program, as defined by the Federal entities for lending regulation.”.

(c) RULE OF CONSTRUCTION.—This section and the amendments made by this section may not be construed to prohibit the Administrator of the Federal Emergency Management Agency from offering flood insurance coverage under the National Flood Insurance Program for eligible non-residential properties, other residential multifamily properties, or structures financed with commercial loans, or to prohibit the purchase of such coverage for such eligible properties.

#### SEC. 203. ELIMINATION OF NON-COMPETE REQUIREMENT.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

“(f) AUTHORITY TO PROVIDE OTHER FLOOD COVERAGE.—

“(1) IN GENERAL.—The Administrator may not, as a condition of participating in the Write Your Own Program (as such term is defined in section 1370(a)) or in otherwise participating in the utilization by the Administrator of the facilities and services of insurance companies, insurers, insurance agents and brokers, and insurance adjustment organizations pursuant to the authority in this section, nor as a condition of eligibility to engage in any other activities under the National Flood Insurance Program under this title, restrict any such company, insurer, agent, broker, or organization from offering and selling private flood insurance (as such term is defined in section 102(b)(9) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)(9))).

“(2) FINANCIAL ASSISTANCE/SUBSIDY ARRANGEMENT.—After the date of the enactment of this subsection—

“(A) the Administrator may not include in any agreement entered into with any insurer for participation in the Write Your Own Program any provision establishing a condition prohibited by paragraph (1), including the provisions of Article XIII of the Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement, as adopted pursuant to section 62.23(a) of title 44 of the Code of Federal Regulations; and

“(B) any such provision in any such agreement entered into before such date of enactment shall not have any force or effect, and the Administrator may not take any action to enforce such provision.”.

#### SEC. 204. PUBLIC AVAILABILITY OF PROGRAM INFORMATION.

Part C of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

##### “SEC. 1349. PUBLIC AVAILABILITY OF PROGRAM INFORMATION.

“(a) FLOOD RISK INFORMATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), to facilitate the National Flood Insurance Program becoming a source of information and data for research and development of technology that better understands flooding, the risk of flooding, and the predictability of perils of flooding, the Administrator shall make publicly available all

data, models, assessments, analytical tools, and other information in the possession of the Administrator relating to the National Flood Insurance Program under this title that is used in assessing flood risk or identifying and establishing flood elevations and premiums, including—

“(A) data relating to risk on individual properties and loss ratio information and other information identifying losses under the program;

“(B) current and historical policy information, limited to the amount and term only, for properties currently covered by flood insurance and for properties that are no longer covered by flood insurance;

“(C) current and historical claims information, limited to the date and amount paid only, for properties currently covered by flood insurance and for properties that are no longer covered by flood insurance;

“(D) identification of whether a property was constructed before or after the effective date of the first flood insurance rate map for a community;

“(E) identification of properties that have been mitigated through elevation, a buyout, or any other mitigation action; and

“(F) identification of unmitigated multiple-loss properties.

“(2) OPEN SOURCE DATA SYSTEM.—In carrying out paragraph (1), the Administrator shall establish an open source data system by which all information required to be made publicly available by such subsection may be accessed by the public on an immediate basis by electronic means.

“(b) COMMUNITY INFORMATION.—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this section, the Administrator shall establish and maintain a publicly searchable database that provides information about each community participating in the National Flood Insurance Program, which shall include the following information:

“(1) The status of the community’s compliance with the National Flood Insurance Program, including any findings of noncompliance, the status of any enforcement actions initiated by a State or by the Administrator, and the number of days of any such continuing noncompliance.

“(2) The number of properties located in the community’s special flood hazard areas that were built before the effective date of the first flood insurance rate map for the community.

“(3) The number of properties located in the community’s special flood hazard areas that were built after the effective date of the first flood insurance rate map for the community.

“(4) The total number of current and historical claims located outside the community’s special flood hazard areas.

“(5) The total number of multiple-loss properties in the community.

“(6) The portion of the community, stated as a percentage and in terms of square miles, that is located within special flood hazard areas.

“(c) IDENTIFICATION OF PROPERTIES.—The information provided pursuant to subsections (a) and (b) shall be based on data that identifies properties at the zip code or census block level, and shall include the name of the community and State in which a property is located.

“(d) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—The information provided pursuant to subsections (a) and (b) shall be disclosed in a format that does not reveal individually identifiable information about property owners in accordance with the section 552a of title 5, United States Code.

“(e) DEFINITION OF LOSS RATIO.—For purposes of this section, the term ‘loss ratio’ means, with respect to the National Flood Insurance Program, the ratio of the amount of claims paid under the Program to the amount of premiums paid under the Program.”.

**SEC. 205. REFUND OF PREMIUMS UPON CANCELLATION OF POLICY BECAUSE OF REPLACEMENT WITH PRIVATE FLOOD INSURANCE.**

Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by adding at the end the following new subsection:

“(e) REFUND OF UNEARNED PREMIUMS FOR POLICIES CANCELED BECAUSE OF REPLACEMENT WITH PRIVATE FLOOD INSURANCE.—

“(1) REQUIRED REFUND.—Subject to subsection (c), if at any time an insured under a policy for flood insurance coverage for a property that is made available under this title cancels such policy because other duplicate flood insurance coverage for the same property has been obtained from a source other than the National Flood Insurance Program under this title, the Administrator shall refund to the former insured a portion of the premiums paid for the coverage made available under this title, as determined consistent with industry practice according to the portion of the term of the policy that such coverage was in effect, but only if a copy of declarations page of the new policy obtained from a source other than the program under this title is provided to the Administrator.

“(2) EFFECTIVE DATE OF CANCELLATION.—For purposes of this subsection, a cancellation of a policy for coverage made available under the national flood insurance program under this title, for the reason specified in paragraph (1), shall be effective—

“(A) on the effective date of the new policy obtained from a source other than the program under this title, if the request for such cancellation was received by the Administrator before the expiration of the 6-month period beginning on the effective date of the new policy; or

“(B) on the date of the receipt by the Administrator of the request for cancellation, if the request for such cancellation was received by the Administrator after the expiration of the 6-month period beginning on the effective date of the new policy.

“(3) PROHIBITION OF REFUNDS FOR PROPERTIES RECEIVING INCREASED COST OF COMPLIANCE CLAIMS.—No premium amounts paid for coverage made available under this title may be refunded pursuant to this subsection—

“(A) with respect to coverage for any property for which measures have been implemented using amounts received pursuant to a claim under increased cost of compliance coverage made available pursuant to section 1304(b); or

“(B) if a claim has been paid or is pending under the policy term for which the refund is sought.”.

**SEC. 206. GAO STUDY OF FLOOD DAMAGE SAVINGS ACCOUNTS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to analyze the feasibility and effectiveness, and problems involved, in reducing flood insurance premiums and eliminating the need for purchase of flood insurance coverage by authorizing owners of residential properties to establish flood damage savings accounts described in subsection (b) in lieu of complying with the mandatory requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to purchase flood insurance for such properties.

(b) FLOOD DAMAGE SAVINGS ACCOUNT.—A flood damage savings account described in this subsection is a savings account—

(1) that would be established by an owner of residential property with respect to such property in accordance with requirements established by the Administrator of the Federal Emergency Management Agency; and

(2) the proceeds of which would be available for use only to cover losses to such properties resulting from flooding, pursuant to adjustment of a claim for such losses in the same manner and according to the same procedures as apply to claims for losses under flood insurance coverage made available under the National Flood Insurance Act of 1968.

(c) ISSUES.—Such study shall include an analysis of, and recommendation regarding, each of the following issues:

(1) Whether authorizing the establishment of such flood damage savings accounts would be effective and efficient in reducing flood insurance premiums, eliminating the need for purchase of flood insurance coverage made available under the National Flood Insurance Program, and reducing risks to the financial safety and soundness of the National Flood Insurance Fund.

(2) Possible options for structuring such flood damage savings accounts, including—

(A) what types of institutions could hold such accounts and the benefits and problems with each such type of institution;

(B) considerations affecting the amounts required to be held in such accounts; and

(C) options regarding considerations the conditions under which such an account may be terminated.

(3) The feasibility and effectiveness, and problems involved in, authorizing the Administrator of the Federal Emergency Management Agency to make secondary flood insurance coverage available under the National Flood Insurance Program to cover the portion of flood losses or damages to properties for which such flood damage savings accounts have been established that exceed the amounts held in such accounts.

(4) The benefits and problems involved in authorizing the establishment of such accounts for non-residential properties.

(d) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Administrator that sets forth the analysis, conclusions, and recommendations resulting from the study under this section. Such report shall identify elements that should be taken into consideration by the Administrator in designing and carrying out the demonstration program under section 207.

**SEC. 207. DEMONSTRATION PROGRAM FOR FLOOD DAMAGE SAVINGS ACCOUNTS.**

(a) PLAN.—If the Comptroller General of the United States concludes in the report required under section 206 that a demonstration program under this section is feasible and should be considered, then the Administrator of the Federal Emergency Management Agency shall, not later than the expiration of the 12-month period beginning upon the submission of the report under section 206(d), submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a plan and guidelines for a demonstration program, to be carried out by the Administrator, to demonstrate the feasibility and effectiveness of authorizing the establishment of flood damage savings accounts, taking into consideration the analysis, conclusions, and recommendations included in such report.

(b) AUTHORITY.—The Administrator of the Federal Emergency Management Agency

shall carry out a program to demonstrate the feasibility and effectiveness of authorizing the establishment of flood damage savings accounts in the manner provided in plan and guidelines for the demonstration program submitted pursuant to subsection (a).

(c) SCOPE.—The demonstration program under this section shall provide for the establishment of flood damage savings accounts with respect to not more than 5 percent of the residential properties that have 4 or fewer residences and that are covered by flood insurance coverage made available under the National Flood Insurance Program.

(d) TIMING.—The Administrator shall commence the demonstration program under this section not later than the expiration of the 12-month period beginning upon the submission of the plan and guidelines for the demonstration pursuant to subsection (a).

(e) GEOGRAPHICAL DIVERSITY.—The Administrator shall ensure that properties for which flood damage savings accounts are established under the demonstration are located in diverse geographical areas throughout the United States.

(f) REPORT.—Upon the expiration of the 2-year period beginning upon the date of the commencement of the demonstration program under this section, the Administrator shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing and assessing the demonstration, and setting forth conclusions and recommendations regarding continuing and expanding the demonstration.

(g) FEASIBILITY.—The Administrator shall implement this section only after determining that implementation is supported by the Comptroller's conclusions and recommendations contained in the report required under section 206.

**TITLE III—MAPPING FAIRNESS**

**SEC. 301. USE OF OTHER RISK ASSESSMENT TOOLS IN DETERMINING PREMIUM RATES.**

(a) ESTIMATES OF PREMIUM RATES.—Subparagraph (A) of section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(A)), as amended by the preceding provisions of this Act, is further amended—

(1) in clause (ii), by striking “and” at the end; and

(2) by adding at the end the following new clause:

“(iv) both the risk identified by the applicable flood insurance rate maps and by other risk assessment data and tools, including risk assessment models and scores from appropriate sources; and”.

(b) ESTABLISHMENT OF CHARGEABLE PREMIUM RATES.—Paragraph (1) of section 1308(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)(1)) is amended by inserting before the semicolon at the end the following: “, taking into account both the risk identified by the applicable flood insurance rate maps and by other risk assessment data and tools, including risk assessment models and scores from appropriate sources”.

(c) EFFECTIVE DATE AND REGULATIONS.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be made, and shall take effect, upon the expiration of the 36-month period beginning on the date of the enactment of this Act.

(2) REGULATIONS.—The Administrator of the Federal Emergency Management Agency shall issue regulations necessary to implement the amendments made by subsections (a) and (b), which shall identify risk assessment data and tools to be used in identifying flood risk and appropriate sources for risk assessment models and scores to be so used.

Such regulations shall be issued not later than the expiration of the 36-month period beginning on the date of the enactment of this Act and shall take effect upon the expiration of such period.

#### SEC. 302. APPEALS REGARDING EXISTING FLOOD MAPS.

(a) IN GENERAL.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:

“(k) APPEALS OF EXISTING MAPS.—

“(1) RIGHT TO APPEAL.—Subject to paragraph (6), a State or local government, or the owner or lessee of real property, who has made a formal request to the Administrator to update a flood map that the Administrator has denied may at any time appeal such a denial as provided in this subsection.

“(2) BASIS FOR APPEAL.—The basis for appeal under this subsection shall be the possession of knowledge or information that—

“(A) the base flood elevation level or designation of any aspect of a flood map is scientifically or technically inaccurate; or

“(B) factors exist that mitigate the risk of flooding, including ditches, banks, walls, vegetation, levees, lakes, dams, reservoirs, basin, retention ponds, and other natural or manmade topographical features.

“(3) APPEALS PROCESS.—

“(A) ADMINISTRATIVE ADJUDICATION.—An appeal under this subsection shall be determined by a final adjudication on the record, and after opportunity for an administrative hearing.

“(B) RIGHTS UPON ADVERSE DECISION.—If an appeal pursuant to subparagraph (A) does not result in a decision in favor of the State, local government, owner, or lessee, such party may appeal the adverse decision to the Scientific Resolution Panel provided for in section 1363A, which shall recommend a non-binding decision to the Administrator.

“(4) RELIEF.—

“(A) WHOLLY SUCCESSFUL APPEALS.—In the case of a successful appeal resulting in a policyholder's property being removed from a special flood hazard area, such policyholder may cancel the policy at any time within the current policy year, and the Administrator shall provide such policyholder a refund in the amount of any premiums paid for such policy year, plus any premiums paid for flood insurance coverage that the policyholder was required to purchase or maintain during the 2-year period preceding such policy year.

“(B) PARTIALLY SUCCESSFUL APPEALS.—In the case of any appeal in which mitigating factors were determined to have reduced, but not eliminated, the risk of flooding, the Administrator shall reduce the amount of flood insurance coverage required to be maintained for the property concerned by the ratio of the successful portion of the appeal as compared to the entire appeal. The Administrator shall refund to the policyholder any payments made in excess of the amount necessary for such new coverage amount, effective from the time when the mitigating factor was created or the beginning of the second policy year preceding the determination of the appeal, whichever occurred later.

“(C) ADDITIONAL RELIEF.—The Administrator may provide additional refunds in excess of the amounts specified in subparagraphs (A) and (B) if the Administrator determines that such additional amounts are warranted.

“(5) RECOVERY OF COSTS.—When, incident to any appeal which is successful in whole or part regarding the designation of the base flood elevation or any aspect of the flood map, including elevation or designation of a special flood hazard area, the community, or the owner or lessee of real property, as the case may be, incurs expense in connection with the appeal, including services provided

by surveyors, engineers, and scientific experts, the Administrator shall reimburse such individual or community for reasonable expenses to an extent measured by the ratio of the successful portion of the appeal as compared to the entire appeal, but not including legal services, in the effecting of an appeal based on a scientific or technical error on the part of the Federal Emergency Management Agency. No reimbursement shall be made by the Administrator in respect to any fee or expense payment, the payment of which was agreed to be contingent upon the result of the appeal. The Administrator may use such amounts from the National Flood Insurance Fund established under section 1310 as may be necessary to carry out this paragraph.

“(6) INAPPLICABILITY TO COMMUNITY FLOOD MAPS.—This subsection shall not apply with respect to any flood map that is in effect pursuant to certification under the standards, guidelines, and procedures established pursuant to section 100215(m)(1)(B) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101a(m)(1)(B)).

“(7) GUIDANCE.—The Administrator shall issue guidance to implement this subsection, which shall not be subject to the notice and comment requirements under section 553 of title 5, United States Code.”.

(b) DEADLINE.—The Administrator of the Federal Emergency Management Agency shall issue the guidance referred to section 1360(k)(7) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(k)(7)), as added by the amendment made by subsection (a) of this section, not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

#### SEC. 303. APPEALS AND PUBLICATION OF PROJECTED SPECIAL FLOOD HAZARD AREAS.

(a) APPEALS.—Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (b), by striking the second sentence and inserting the following: “Any owner or lessee of real property within the community who believes the owner's or lessee's rights to be adversely affected by the Administrator's proposed determination may appeal such determination to the local government no later than 90 days after the date of the second publication.”;

(2) in subsection (d), by striking “subsection (e)” and inserting “subsection (f)”;

(3) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(4) by inserting after subsection (d) the following new subsection:

“(e) DETERMINATION BY ADMINISTRATOR IN THE ABSENCE OF APPEALS.—If the Administrator has not received any appeals, upon expiration of the 90-day appeal period established under subsection (b) of this section the Administrator's proposed determination shall become final. The community shall be given a reasonable time after the Administrator's final determination in which to adopt local land use and control measures consistent with the Administrator's determination.”.

(b) PUBLICATION.—Subsection (a) of section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(a)) is amended by striking “in the Federal Register”.

(c) INAPPLICABILITY TO PRIVATE AND COMMUNITY FLOOD MAPS.—Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

“(i) INAPPLICABILITY TO COMMUNITY FLOOD MAPS.—This section shall not apply with respect to any flood map that is in effect pursuant to certification under the standards,

guidelines, and procedures established pursuant to section 100215(m)(1) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101a(m)(1)), which shall include procedures for providing notification and appeal rights to individuals within the communities of the proposed flood elevation determinations.”.

#### SEC. 304. COMMUNICATION AND OUTREACH REGARDING MAP CHANGES.

Paragraph (1) of section 100216(d) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(d)(1)) is amended—

(1) in subparagraph (B), by inserting “maximum” before “30-day period”; and

(2) in subparagraph (C), by inserting “maximum” before “30-day period”.

#### SEC. 305. SHARING AND USE OF MAPS AND DATA.

Subsection (b) of section 100216 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) consult and coordinate with the Department of Defense, the United States Geological Survey, and the National Oceanic and Atmospheric Administration for the purpose of obtaining the most-up-to-date maps and other information of such agencies, including information on topography, water flow, and any other issues, relevant to mapping for flood insurance purposes.”; and

(2) in paragraph (3)—

(A) in subparagraph (D), by striking “and” at the end;

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph:

“(E) any other information relevant to mapping for flood insurance purposes obtained pursuant to paragraph (1)(D); and”.

#### SEC. 306. COMMUNITY FLOOD MAPS.

(a) TECHNICAL MAPPING ADVISORY COUNCIL.—Section 100215 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101a) is amended—

(1) in subsection (c)—

(A) in paragraph (5)(B), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (9); and

(C) by inserting after paragraph (5) the following new paragraphs:

“(6) recommend to the Administrator methods or actions to make the flood mapping processes more efficient;

“(7) recommend to the Administrator methods or actions to minimize any cost, data, and paperwork requirements of the flood mapping processes;

“(8) assist communities, and in particular smaller communities, in locating the resources required to participate in the development of flood elevations and flood hazard area designations; and”;

(2) by adding at the end the following new subsection:

“(m) COMMUNITY FLOOD MAPS.—

“(1) STANDARDS AND PROCEDURES.—In addition to the other duties of the Council under this section, not later than the expiration of the 12-month period beginning on the date of the enactment of this subsection, the Council shall recommend to the Administrator standards and requirements for chief executive officers, or entities designated by chief executive officers, of States and communities participating in the National Flood Insurance Program to use in mapping flood hazards located in States and communities that choose to develop alternative maps to



the flood insurance rate maps developed by the Agency. The recommended standards and requirements shall include procedures for providing notification and appeal rights to individuals within the communities of the proposed flood elevation determinations.

“(2) EXEMPTION FROM RULEMAKING.—Until such time as the Administrator promulgates regulations implementing paragraph (1) of this subsection, the Administrator may, notwithstanding any other provision of law, adopt policies and procedures necessary to implement such paragraphs without undergoing notice and comment rulemaking and without conducting regulatory analyses otherwise required by statute, regulation, or executive order.”.

(b) FEMA IDENTIFICATION OF FLOOD-PRONE AREAS.—Subsection (a) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(a)) is amended—

(1) in paragraph (2), by striking the period at the end and inserting “; and”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A), and (B), respectively, and realigning such subparagraphs so as to be indented 4 ems from the left margin;

(3) by striking “is authorized to consult” and inserting the following: “is authorized—“(1) to consult”;

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

“(2) to receive proposed alternative maps from communities developed pursuant to standards and requirements recommended by the Technical Mapping Advisory Council, as required by section 100215(m) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101a(m)) and adopted by the Administrator as required by section 100216(c)(3) of such Act (42 U.S.C. 4101b(c)(3)), so that the Administrator may—

“(A) publish information with respect to all flood plain areas, including coastal areas located in the United States, which have special flood hazards, and

“(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each of these areas until the date specified in section 1319.”.

(c) NATIONAL FLOOD MAPPING PROGRAM.—Section 100216 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b) is amended—

(1) in subsection (a), by inserting “prepared by the Administrator, or by a community pursuant to section 1360(a)(2) of the National Flood Insurance Act of 1968,” after “Program rate maps”; and

(2) in subsection (c)—

(A) in paragraph (1)(B), by striking “and” at the end;

(B) in paragraph (2)(C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(3) establish and adopt standards and requirements for development by States and communities of alternative flood insurance rate maps to be submitted to the Administrator pursuant to section 1360(a)(2) of the National Flood Insurance Act of 1968, taking into consideration the recommendations of the Technical Mapping Advisory Council made pursuant to section 100215(m) of this Act (42 U.S.C. 4101a(m)); and

“(4) in the case of proposed alternative maps received by the Administrator pursuant to such section 1360(a)(2), not later than the expiration of the 6-month period beginning upon receipt of such proposed alternative maps—

“(A) determine whether such maps were developed in accordance with the standards

and requirements adopted pursuant to paragraph (3) of this subsection; and

“(B) approve or disapprove such proposed maps for use under National Flood Insurance Program.”.

#### **TITLE IV—PROTECTING CONSUMERS AND INDIVIDUALS THROUGH IMPROVED MITIGATION**

##### **SEC. 401. PROVISION OF COMMUNITY RATING SYSTEM PREMIUM CREDITS TO MAXIMUM NUMBER OF COMMUNITIES PRACTICABLE.**

Subsection (b) of section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022(b)) is amended—

(1) in paragraph (2), by striking “may” and inserting “shall”; and

(2) in paragraph (3), by inserting “, and the Administrator shall provide credits to the maximum number of communities practicable” after “under this program”.

##### **SEC. 402. COMMUNITY ACCOUNTABILITY FOR REPETITIVELY FLOODED AREAS.**

(a) IN GENERAL.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

“(e) COMMUNITY ACCOUNTABILITY FOR REPETITIVELY DAMAGED AREAS.—

“(1) IN GENERAL.—The Administrator shall, by regulation, require any covered community (as such term is defined in paragraph (5))—

“(A) to identify the areas within the community where properties described in paragraph (5)(B) or flood-damaged facilities are located to determine areas repeatedly damaged by floods and to assess, with assistance from the Administrator, the continuing risks to such areas;

“(B) to develop a community-specific plan for mitigating continuing flood risks to such repetitively flooded areas and to submit such plan and plan updates to the Administrator at appropriate intervals;

“(C) to implement such plans;

“(D) to make such plan, plan updates, and reports on progress in reducing flood risk available to the public, subject to section 552a of title 5, United States Code.

“(2) INCORPORATION INTO EXISTING PLANS.—Plans developed pursuant to paragraph (1) may be incorporated into mitigation plans developed under section 1366 of this Act (42 U.S.C. 4104c) and hazard mitigation plans developed under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

“(3) ASSISTANCE TO COMMUNITIES.—

“(A) DATA.—To assist communities in preparation of plans required under paragraph (1), the Administrator shall, upon request, provide covered communities with appropriate data regarding the property addresses and dates of claims associated with insured properties within the community.

“(B) MITIGATION GRANTS.—In making determinations regarding financial assistance under the authorities of this Act, the Administrator may consider the extent to which a community has complied with this subsection and is working to remedy problems with addressing repeatedly flooded areas.

“(4) SANCTIONS.—

“(A) IN GENERAL.—The Administrator shall, by regulations issued in accordance with the procedures established under section 553 of title 5, United States Code, regarding substantive rules, provide appropriate sanctions for covered communities that fail to comply with the requirements under this subsection or to make sufficient progress in reducing the flood risks to areas in the community that are repeatedly damaged by floods.

“(B) NOTICE.—Before imposing any sanction pursuant to this paragraph, the Admin-

istrator shall provide the covered community involved with notice of the non-compliance that could result in the imposition of sanctions, which shall include recommendations for actions to bring the covered community into compliance.

“(C) CONSIDERATIONS.—In determining appropriate sanctions to impose under this paragraph, the Administrator shall consider the resources available to the covered community involved, including Federal funding, the portion of the covered community that lies within an area having special flood hazards, and other factors that make it difficult for the covered community to conduct mitigation activities for existing flood-prone structures.

“(5) COVERED COMMUNITY.—For purposes of this subsection, the term ‘covered community’ means a community—

“(A) that is participating, pursuant to section 1315, in the national flood insurance program; and

“(B) within which are located—

“(i) 50 or more repetitive loss structures for each of which, during any 10-year period, two or more claims for payments under flood insurance coverage have been made with a cumulative amount exceeding \$1,000;

“(ii) 5 or more severe repetitive loss structures (as such term is defined in section 1366(h)) for which mitigation activities meeting the standards for approval under section 1366(c)(2)(A) have not been conducted; or

“(iii) a public facility or a private non-profit facility (as such terms are as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), that has received assistance for repair, restoration, reconstruction, or replacement under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) in connection with more than one flooding event in the most recent 10-year period.

“(6) REPETITIVE-LOSS STRUCTURE.—For purposes of this subsection, the term ‘repetitive loss structure’ has the meaning given such term in section 1370 (42 U.S.C. 4121).

“(7) REPORTS TO CONGRESS.—Not later than the expiration of the 6-year period beginning upon the date of the enactment of this subsection, and not less than every 2 years thereafter, the Administrator shall submit a report to the Congress regarding the progress in implementing plans developed pursuant to paragraph (1)(B).”.

(b) REGULATIONS.—The Administrator of the Federal Emergency Management Agency shall issue regulations necessary to carry out subsection (e) of section 1361 of the National Flood Insurance Act of 1968, as added by the amendment made by subsection (a) of this section, not later than the expiration of the 12-month period that begins on the date of the enactment of this Act.

##### **SEC. 403. INCREASED COST OF COMPLIANCE COVERAGE.**

(a) COVERAGE OF PROPERTIES AT HIGH RISK OF FUTURE FLOOD DAMAGE.—Subsection (b) of section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) is amended—

(1) in paragraph (4), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin;

(3) by striking the subsection designation and all that follows through “The national” and inserting the following:

“(b) ADDITIONAL COVERAGE FOR COMPLIANCE WITH LAND USE AND CONTROL MEASURES.—

“(1) AUTHORITY; ELIGIBLE PROPERTIES.—The national”;

(4) in subparagraph (C) (as so redesignated by paragraph (2) of this subsection), by striking “Fund” and all that follows and inserting “Fund to require the implementation of such measures;”;

(5) in subparagraph (D)(iv) (as so redesignated by paragraphs (1) and (2) of this subsection), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new subparagraphs:

“(E) properties that have been identified by the Administrator, or by a community in accordance with such requirements as the Administrator shall establish, as at a high risk of future flood damage; and

“(F) properties that are located within an area identified pursuant to section 1361(e)(1)(A) (42 U.S.C. 4102(e)(1)(A)) by a covered community (as such term is defined in paragraph (3) of such section 1361(e)).”

(b) COVERAGE AMOUNT.—Section 1304(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)) is amended—

(1) in paragraph (1) (as so designated by subsection (a)(3) of this section), by striking the last sentence (relating to a surcharge); and

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

“(2) COVERAGE AMOUNT.—

“(A) PRIMARY COVERAGE.—Each policy for flood insurance coverage made available under this title shall provide coverage under this subsection having an aggregate liability for any single property of \$30,000.

“(B) ENHANCED COVERAGE.—The Administrator shall make additional coverage available under this subsection, in excess of the limit specified in subparagraph (A), having an aggregate liability for any single property of up to \$60,000.”

(c) AMOUNT OF SURCHARGE.—Subsection (b) of section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)), as amended by the preceding provisions of this section, is further amended by adding at the end the following new paragraph:

“(3) SURCHARGE FOR COVERAGE.—

“(A) PRIMARY COVERAGE.—The Administrator shall impose a surcharge on each insured of such amount per policy as the Administrator determines is appropriate to provide cost of compliance coverage in accordance with paragraph (2)(A).

“(B) ENHANCED COVERAGE.—For each flood policy for flood insurance coverage under this title under which additional cost of compliance coverage is provided pursuant to paragraph (2)(B), the Administrator shall impose a surcharge, in addition to the surcharge under subparagraph (A) of this paragraph, in such amount as the Administrator determines is appropriate for the amount of such coverage provided.”

(d) USE OF CERTAIN MATERIALS.—Subsection (b) of section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)), as amended by the preceding provisions of this section, is further amended by adding at the end the following new paragraph:

“(4) USE OF CERTAIN MATERIALS.—The Administrator shall require that any measures implemented using amounts made available from coverage provided pursuant to this subsection be carried out using materials, identified by the Administrator, that minimize the impact of flooding on the usability of the covered property and reduce the duration that flooding renders the property unusable or uninhabitable.”

(e) CONTINUED FLOOD INSURANCE REQUIREMENT.—Subsection (b) of section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)), as amended by the preceding

provisions of this section, is further amended by adding at the end the following new paragraph:

“(5) CONTINUED FLOOD INSURANCE REQUIREMENT.—The Administrator may require, as a condition of providing cost of compliance coverage under this subsection for a property, that the owner of the property enter into such binding agreements as the Administrator considers necessary to ensure that the owner of the property (and any subsequent owners) will maintain flood insurance coverage under this title for the property in such amount, and at all times during a period having such duration, as the Administrator considers appropriate to carry out the purposes of this subsection.”

#### TITLE V—PROGRAM INTEGRITY

##### SEC. 501. INDEPENDENT ACTUARIAL REVIEW.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following new subsection:

“(e) INDEPENDENT ACTUARIAL REVIEW.—

“(1) FIDUCIARY RESPONSIBILITY.—The Administrator has a responsibility to ensure that the National Flood Insurance Program remains financially sound. Pursuant to this responsibility, the Administrator shall from time to time review and eliminate non-essential costs and positions within the Program, unless otherwise authorized or required by law, as the Administrator determines to be necessary.

“(2) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Administrator shall provide for an independent actuarial study of the National Flood Insurance Program to be conducted annually, which shall analyze the financial position of the program based on the long-term estimated losses of the program. The Administrator shall submit a report (together with the independent actuarial study) annually to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the results of such study, including a determination of whether the Program has collected revenue sufficient to cover the administrative expenses of carrying out the flood insurance program, which are reflected in the risk premium rates, cost of capital, all other costs associated with the transfer of risks, and expected claims payments during the reporting period, and an overall assessment of the financial status of the Program.

“(3) DETERMINATION OF ACTUARIAL BUDGET DEFICIT.—

“(A) REQUIREMENT.—Within the report submitted under paragraph (2), the Administrator shall issue a determination of whether there exists an actuarial budget deficit for the Program for the year covered in the report. The report shall recommend any changes to the Program, if necessary, to ensure that the program remains financially sound.

“(B) BASIS OF DETERMINATION.—The determination required by subparagraph (A) shall be based solely upon whether the portion of premiums estimated and collected by the Program during the reporting period is sufficient to cover the administrative expenses of carrying out the flood insurance program, which are reflected in the risk premium rates, cost of capital, all other costs associated with the transfer of risk, and expected claims payments for the reporting period.

“(4) QUARTERLY REPORTS.—During each fiscal year, on a calendar quarterly basis, the Secretary shall cause to be published in the Federal Register or comparable method, with notice to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, information which shall specify—

“(A) the cumulative volume of policies that have been underwritten under the National Flood Insurance Program during such fiscal year through the end of the quarter for which the report is submitted;

“(B) the types of policies insured, categorized by risk;

“(C) any significant changes between actual and projected claim activity;

“(D) projected versus actual loss rates;

“(E) the cumulative number of currently insured repetitive-loss properties, severe repetitive-loss properties, and extreme repetitive-loss properties that have been identified during such fiscal year through the end of the quarter for which the report is submitted;

“(F) the cumulative number of properties that have undergone mitigation assistance, through the National Flood Insurance Program, during such fiscal year through the end of the quarter for which the report is submitted; and

“(G) the number and location, by State or territory, of each policyholder that has been identified for such fiscal year as an eligible household for purposes of the flood insurance affordability program under section 1326.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2018, or on the last day of the first full calendar quarter following the enactment of the 21st Century Flood Reform Act, whichever occurs later.”

##### SEC. 502. ADJUSTMENTS TO HOMEOWNER FLOOD INSURANCE AFFORDABILITY SURCHARGE.

(a) IN GENERAL.—Section 1308A of the National Flood Insurance Act of 1968 (42 U.S.C. 4015a) is amended—

(1) in subsection (a), by striking the first sentence and inserting the following: “The Administrator shall impose and collect a non-refundable annual surcharge, in the amount provided in subsection (b), on all policies for flood insurance coverage under the National Flood Insurance Program that are newly issued or renewed after the date of the enactment of this section.”; and

(2) by striking subsection (b) and inserting the following new subsection:

“(b) AMOUNT.—The amount of the surcharge under subsection (a) shall be \$40, except as follows:

“(1) NON-PRIMARY RESIDENCES ELIGIBLE FOR PRP.—The amount of the surcharge under subsection (a) shall be \$125 in the case of in the case of a policy for any property that is—

“(A) a residential property that is not the primary residence of an individual, and

“(B) eligible for preferred risk rate method premiums.

“(2) NON-RESIDENTIAL PROPERTIES AND NON-PRIMARY RESIDENCES NOT ELIGIBLE FOR PRP.—The amount of the surcharge under subsection (a) shall be \$275 in case of in the case of a policy for any property that is—

“(A) a non-residential property; or

“(B) a residential property that is—

“(i) not the primary residence of an individual; and

“(ii) not eligible for preferred risk rate method premiums.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to policies for flood insurance coverage under the National Flood Insurance Act of 1968 that are newly issued or renewed after the expiration of the 12-month period beginning on the date of the enactment of this Act.

##### SEC. 503. NATIONAL FLOOD INSURANCE RESERVE FUND COMPLIANCE.

Section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017A) is amended—

(1) in subsection (c)(2)(D), by inserting before the period at the end the following: “,

including any provisions relating to chargeable premium rates or annual increases of such rates”;

(2) in subsection (c)(3), by striking subparagraph (A) and inserting the following new subparagraph:

“(A) PARITY.—In exercising the authority granted under paragraph (1) to increase premiums, the Administrator shall institute a single annual, uniform rate of assessment for all individual policyholders.”; and

(3) in subsection (d)—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) IN GENERAL.—Beginning in fiscal year 2018 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved—

“(A) in each fiscal year the Administrator shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b); and

“(B) if in any given fiscal year the Administrator fails to comply with subparagraph (A), for the following fiscal year the Administrator shall increase the rate of the annual assessment pursuant to subsection (c)(3)(A) by at least one percentage point over the rate of the annual assessment pursuant to subsection (c)(3)(A) in effect on the first day of such given fiscal year.”;

(B) in paragraph (2), by inserting before the period at the end the following: “nor to increase assessments pursuant to paragraph (1)(B)”;

(C) in paragraph (3), by inserting before the period at the end the following: “and paragraph (1)(B) shall apply until the fiscal year in which the ratio required under subsection (b) is achieved”.

#### SEC. 504. DESIGNATION AND TREATMENT OF MULTIPLE-LOSS PROPERTIES.

(a) DEFINITION.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121), as amended by the preceding provisions of this Act, is further amended—

(1) in subsection (a)—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (18) as paragraphs (7) through (17), respectively; and

(2) by adding at the end the following new subsection:

“(d) MULTIPLE-LOSS PROPERTIES.—

“(1) DEFINITIONS.—As used in this title:

“(A) MULTIPLE-LOSS PROPERTY.—The term ‘multiple-loss property’ means any property that is a repetitive-loss property, a severe repetitive-loss property, or an extreme repetitive-loss property.

“(B) QUALIFIED CLAIMS PAYMENT.—The term ‘qualified claims payment’ means a claims payment of any amount made under flood insurance coverage under this title in connection with loss resulting from a flood event that occurred after the date of the enactment of the 21st Century Flood Reform Act, but not including any claim that occurred before a structure was made compliant with State and local floodplain management requirements.

“(C) REPETITIVE-LOSS PROPERTY.—The term ‘repetitive-loss property’ means a structure that has incurred flood damage for which two or more separate claims payments of any amount have been made under flood insurance coverage under this title.

“(D) SEVERE REPETITIVE-LOSS PROPERTY.—The term ‘severe repetitive-loss property’ means a structure that has incurred flood damage for which—

“(i) 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

“(ii) at least 2 separate claims payments have been made under flood insurance coverage under this title, with the cumulative amount of such claims payments exceeding the value of the structure.

“(E) EXTREME REPETITIVE-LOSS PROPERTY.—The term ‘extreme repetitive-loss property’ means a structure that has incurred flood damage for which at least 2 separate claims have been made under flood insurance coverage under this title, with the cumulative amount of such claims payments exceeding 150 percent of the maximum coverage amount available for the structure.

“(2) TREATMENT OF CLAIMS BEFORE COMPLIANCE WITH STATE AND LOCAL REQUIREMENTS.—The Administrator shall not consider claims that occurred before a structure was made compliant with State and local floodplain management requirements for purposes of determining a structure’s status as a multiple-loss property.”.

(b) PREMIUM ADJUSTMENT TO REFLECT CURRENT FLOOD RISK.—

(1) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(p) PREMIUM ADJUSTMENT TO REFLECT CURRENT FLOOD RISK.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall rate a property for which two or more qualified claims payments have been made and that is charged a risk premium rate estimated under section 1307(a)(1) (42 U.S.C. 4014(a)(1)) based on the current risk of flood reflected in the flood insurance rate map in effect at the time of rating.

“(2) ADJUSTMENT FOR EXISTING POLICIES.—Notwithstanding subsection (e) of this section, for policies for flood insurance under this title in force on the date of the enactment of this Act for properties described in paragraph (1)—

“(A) for any property for which two qualified claims payments have been made, the Administrator shall increase risk premium rates by 10 percent each year until such rates comply with paragraph (1) of this subsection; and

“(B) for any property for which three or more qualified claims payments have been made, the Administrator shall increase risk premium rates by 15 percent each year until such rates comply with paragraph (1) of this subsection.”.

(2) CONFORMING AMENDMENT.—Section 1307(g)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

“(B) in connection with a multiple-loss property.”.

(c) PRE-FIRM MULTIPLE-LOSS PROPERTY.—(1) TERMINATION OF SUBSIDY.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)(2)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

“(C) any extreme repetitive-loss property”;

(ii) in subparagraph (D), by striking “or”;

(iii) in subparagraph (E)—

(I) in clause (i), by striking “fair”; and

(II) in clause (ii)—

(aa) by striking “fair”; and

(bb) by striking “and” and inserting “or”;

and

(iv) by adding at the end the following new subparagraph:

“(F) any property for which two or more qualified claims payments have been made; and”;

(B) by striking subsection (h).

(2) ANNUAL LIMITATION ON PREMIUM INCREASES.—Subsection (e) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4)—

(i) by striking “the chargeable risk” and inserting “notwithstanding paragraph (5), the chargeable risk”; and

(ii) by striking “described under paragraph (3).” and inserting “estimated under section 1307(a)(1); and”;

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

“(5) the chargeable risk premium rates for flood insurance under this title for any properties described in subparagraph (F) of section 1307(a)(2) shall be increased—

“(A) for any property for which two qualified claims payments have been made, by 10 percent each year, until the average risk premium rate for such property is equal to the average of the risk premium rates for properties estimated under section 1307(a)(1); and

“(B) for any property for which three or more qualified claims payments have been made, by 15 percent each year, until the average risk premium rate for such property is equal to the average of the risk premium rates for properties estimated under section 1307(a)(1).”.

(d) MINIMUM DEDUCTIBLES FOR CERTAIN MULTIPLE-LOSS PROPERTIES.—

(1) CLERICAL AMENDMENT.—The National Flood Insurance Act of 1968, as amended by the preceding provisions of this Act, is further amended—

(A) by transferring subsection (b) of section 1312 (42 U.S.C. 4019(b)) to section 1306 (42 U.S.C. 4013), inserting such subsection at the end of such section, and redesignating such subsection as subsection (f); and

(B) in section 1312 (42 U.S.C. 4019), by redesignating subsection (c) as subsection (b).

(2) CERTAIN MULTIPLE-LOSS PROPERTIES.—Subsection (f) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(e)), as so transferred and redesignated by paragraph (1) of this subsection, is amended adding at the end the following new paragraph:

“(3) CERTAIN MULTIPLE-LOSS PROPERTIES.—Notwithstanding paragraph (1) or (2), the minimum annual deductible for damage to any severe repetitive-loss property or extreme repetitive-loss property shall be not less than \$5,000.”.

(e) CLAIM HISTORY VALIDATION.—Beginning not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall undertake efforts to validate the reasonable accuracy of claim history data maintained pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(f) INCREASED COST OF COMPLIANCE COVERAGE.—Subparagraph (A) of section 1304(b)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)(1)(A)), as amended by the preceding provisions of this Act, is further amended by striking “repetitive loss structures” and inserting “multiple-loss properties”.

(g) AVAILABILITY OF INSURANCE FOR MULTIPLE-LOSS PROPERTIES.—

(1) IN GENERAL.—The National Flood Insurance Act of 1968 is amended by inserting after section 1304 (42 U.S.C. 4011) the following new section:

#### “SEC. 1304A. AVAILABILITY OF INSURANCE FOR MULTIPLE-LOSS PROPERTIES.

“(a) DATE AND INFORMATION IDENTIFYING CURRENT FLOOD RISK.—The Administrator may provide flood insurance coverage under this title for a multiple-loss property only if

the owner of the property submits to the Administrator such data and information necessary to determine such property's current risk of flood, as determined by the Administrator, at the time of application for or renewal of such coverage.

**“(b) REFUSAL TO MITIGATE.—**

“(1) IN GENERAL.—Except as provided pursuant to paragraph (2), the Administrator may not make flood insurance coverage available under this title for any extreme repetitive-loss property for which a claim payment for flood loss was made under coverage made available under this title that occurred after the date of enactment of the 21st Century Flood Reform Act if the property owner refuses an offer of mitigation for the property under section 1366(a)(2) (42 U.S.C. 4104c(a)(2)).

“(2) EXCEPTIONS; APPEALS.—The Director shall develop guidance to provide appropriate exceptions to the prohibition under paragraph (1) and to allow for appeals to such prohibition.”.

(2) EFFECTIVE DATE.—Section 1304A of the National Flood Insurance Act of 1968, as added by paragraph (1) of this subsection, shall apply beginning upon the expiration of the 12-month period beginning on the date of the enactment of this Act.

(h) RATES FOR PROPERTIES NEWLY MAPPED INTO AREAS WITH SPECIAL FLOOD HAZARDS.—Subsection (i) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(i)) is amended—

(1) by striking the subsection designation and all that follows through “Notwithstanding” and inserting the following:

“(i) RATES FOR PROPERTIES NEWLY MAPPED INTO AREAS WITH SPECIAL FLOOD HAZARDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the left margins of such subparagraphs, as so redesignated, and the matter following subparagraph (B), 2 ems to the right; and

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

“(2) INAPPLICABILITY TO MULTIPLE-LOSS PROPERTIES.—Paragraph (1) shall not apply to multiple-loss properties.”.

(i) CLEAR COMMUNICATION OF MULTIPLE-LOSS PROPERTY STATUS.—

(1) IN GENERAL.—Subsection (1) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(1)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

“(2) MULTIPLE-LOSS PROPERTIES.—Pursuant to paragraph (1), the Administrator shall clearly communicate to all policyholders for multiple-loss properties before the effectiveness of any such new or renewed coverage and after each qualified claims payment for the property—

“(A) the availability of flood mitigation assistance under section 1366; and

“(B) the effect on the premium rates charged for such a property of filing any further claims under a flood insurance policy with respect to that property.”.

(j) MITIGATION ASSISTANCE PROGRAM.—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after the period at the end of the first sentence the following: “Priority under the program shall be given to providing assistance with respect to multiple-loss properties.”;

(B) in paragraph (1), by inserting “and” after the semicolon at the end; and

(C) by striking paragraphs (2) and (3) and inserting the following:

“(2) to property owners, in coordination with the State and community, in the form of direct grants under this section for carrying out mitigation activities that reduce flood damage to extreme repetitive-loss properties.

The Administrator shall take such actions as may be necessary to ensure that grants under this subsection are provided in a manner that is consistent with the delivery of coverage for increased cost of compliance provided under section 1304(b).”;.

(2) in subsection (c)(2)(A)(ii), by striking “severe repetitive loss structures” and inserting “multiple-loss properties”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “SEVERE REPETITIVE LOSS STRUCTURES” and inserting “EXTREME REPETITIVE-LOSS PROPERTIES”;

(ii) by striking “severe repetitive loss structures” and inserting “extreme repetitive-loss properties”;

(B) in paragraph (2)—

(i) by striking “REPETITIVE LOSS STRUCTURES” and inserting “SEVERE REPETITIVE-LOSS PROPERTIES”;

(ii) by striking “repetitive loss structures” and inserting “severe repetitive-loss properties”;

(iii) by striking “90 percent” and inserting “100 percent”;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

“(3) REPETITIVE-LOSS PROPERTY.—In the case of mitigation activities to repetitive-loss properties, in an amount up to 100 percent of all eligible costs.”;

(4) in subsection (h)—

(A) by striking paragraphs (2) and (3);

(B) by striking the subsection designation and all that follows through “shall apply.”; and

(C) in paragraph (1)—

(i) by striking “COMMUNITY” and inserting “DEFINITION OF COMMUNITY”;

(ii) by striking “The” and inserting “For purposes of this section, the”;

(iii) by redesignating such paragraph as subsection (j);

(iv) in subparagraph (B), by striking “subparagraph (A)” and inserting “paragraph (1)”;

(v) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(vi) in paragraph (1), as so redesignated by clause (v) of this subparagraph, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively (and moving the margins two ems to the left); and

(vii) by moving the left margins of subsection (j) (as so redesignated) and paragraphs (1) and (2), all as so redesignated, two ems to the left; and

(5) by inserting after subsection (g) the following new subsections:

“(h) ALIGNMENT WITH INCREASED COST OF COMPLIANCE.—Notwithstanding any provision of law, any funds appropriated for assistance under this title may be transferred to the National Flood Insurance Fund established under section 1310 (42 U.S.C. 4017) for the payment of claims to enable the Administrator to deliver grants under subsection (a)(2) of this section to align with the delivery of coverage for increased cost of compliance for extreme repetitive-loss properties.

“(i) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of law, assistance provided under this section shall be funded by—

“(A) \$225,000,000 in each fiscal year, subject to offsetting collections, through risk premium rates for flood insurance coverage

under this title, and shall be available subject to section 1310(f);

“(B) any penalties collected under section 102(f) the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)); and

“(C) any amounts recaptured under subsection (e) of this section.

The Administrator may not use more than 5 percent of amounts made available under this subsection to cover salaries, expenses, and other administrative costs incurred by the Administrator to make grants and provide assistance under this section.

“(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection for any fiscal year may remain available for obligation until expended.”.

(k) REPEAL.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is repealed.

**SEC. 505. ELIMINATION OF COVERAGE FOR PROPERTIES WITH EXCESSIVE LIFETIME CLAIMS.**

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended by adding at the end the following new subsection:

“(e) PROHIBITION OF COVERAGE FOR PROPERTIES WITH EXCESSIVE LIFETIME CLAIMS.—The Administrator may not make available any new or renewed coverage for flood insurance under this title for any multiple-loss property for which the aggregate amount in claims payments that have been made after the expiration of the 18-month period beginning on the date of the enactment of this subsection under flood insurance coverage under this title exceeds three times the amount of the replacement value of the structure.”.

**SEC. 507. PAY FOR PERFORMANCE AND STREAMLINING COSTS AND REIMBURSEMENT.**

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081), as amended by the preceding provisions of this Act, is further amended by adding at the end the following subsection:

“(g) WRITE YOUR OWN ALLOWANCE AND PROGRAM SAVINGS.—

“(1) ALLOWANCE RATE.—

“(A) LIMITATION.—The allowance paid to companies participating in the Write Your Own Program (as such term is defined in section 1370 (42 U.S.C. 4004)) with respect to a policy for flood insurance coverage made available under this title shall not be greater than 27.9 percent of the chargeable premium for such coverage.

“(B) INAPPLICABILITY.—Subparagraph (A) shall not apply to actual and necessary costs related to section 1312(a) (42 U.S.C. 4019(a)), or to payments deemed necessary by the Administrator.

“(C) IMPLEMENTATION.—The limitation in subparagraph (A) shall be imposed by equal reductions over the 3-year period beginning on the date of the enactment of this subsection.

“(2) PROGRAM SAVINGS.—

“(A) IMPLEMENTATION.—The Administrator, within three years of the date of the enactment of this Act, shall reduce the costs and unnecessary burdens for the companies participating in the Write Your Own program by at least half of the amount by which the limitation under paragraph (1)(A) reduced costs compared to the costs as of the date of the enactment of this subsection.

“(B) CONSIDERATION OF SAVINGS.—In meeting the requirement of subparagraph (A), the Administrator shall consider savings including—

“(i) indirect payments by the Administrator of premium;

“(ii) eliminating unnecessary communications requirements;

“(iii) reducing the frequency of National Flood Insurance Program changes;

“(iv) simplifying the flood rating system; and

“(v) other ways of streamlining the Program to reduce costs while maintaining customer service and distribution.”.

**SEC. 508. ENFORCEMENT OF MANDATORY PURCHASE REQUIREMENTS.**

(a) **PENALTIES.**—Paragraph (5) of section 102(f) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended by striking “\$2,000” and inserting “\$5,000”.

(b) **INSURED DEPOSITORY INSTITUTIONS.**—Subparagraph (A) of section 10(i)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1820(i)(2)(A)) is amended by striking “date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994 and biennially thereafter for the next 4 years” and inserting “date of enactment of the 21st Century Flood Reform Act and biennially thereafter”.

(c) **CREDIT UNIONS.**—Subparagraph (A) of section 204(e)(2) of the Federal Credit Union Act (12 U.S.C. 1784(e)(2)(A)) is amended by striking “date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994 and biennially thereafter for the next 4 years” and inserting “date of enactment of the 21st Century Flood Reform Act and annually thereafter”.

(d) **GOVERNMENT-SPONSORED ENTERPRISES.**—Paragraph (4) of section 1319B(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4521(a)(4)) is amended, in the matter after and below subparagraph (B), by striking “first, third, and fifth annual reports under this subsection required to be submitted after the expiration of the 1-year period beginning on the date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994” and inserting “first annual report under this subsection required to be submitted after the expiration of the 1-year period beginning on the date of enactment of the 21st Century Flood Reform Act and every such second annual report thereafter”.

(e) **GUIDELINES.**—The Federal entities for lending regulation (as such term is defined in section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a))), in consultation with the Administrator of the Federal Emergency Management Agency, shall jointly update and reissue the rescinded document of the Administrator entitled “Mandatory Purchase of Flood Insurance Guidelines” (lasted updated on October 29, 2014). The updated document shall incorporate recommendations made by the Comptroller General pursuant to the study conducted under section 514 of this Act.

**SEC. 509. SATISFACTION OF MANDATORY PURCHASE REQUIREMENT IN STATES ALLOWING ALL-PERILS POLICIES.**

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended—

(1) in subsection (a), by striking “After” and inserting “Subject to subsection (i) of this section, after”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “Each” and inserting “Subject to subsection (i) of this section, each”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “A” the first place such term appears and inserting “Subject to subsection (i) of this section, a”;

(ii) in subparagraph (B), by striking “Each” and inserting “Subject to subsection (i) of this section, each”;

(C) in paragraph (3), by striking “The” the first place such term appears and inserting “Subject to subsection (i) of this section, the”;

(3) in subsection (e)(1), by striking “If” and inserting “Subject to subsection (i) of this section, if”;

(4) by adding at the end the following new subsection:

“(i) **SATISFACTION OF MANDATORY PURCHASE REQUIREMENT IN STATES ALLOWING ALL-PERILS POLICIES.**—

“(1) **WAIVERS.**—Subsections (a) and (b) of this section shall not apply with respect to residential properties in any State that allows any property insurance coverage that covers ‘all-perils’ except specifically excluded perils and that includes coverage for flood perils in an amount at least equal to the outstanding principal balance of the loan or the maximum limit of flood insurance coverage made available under this title with respect to such type of residential property, whichever is less.

“(2) **DEFINITIONS, PROCEDURES, STANDARDS.**—The Administrator may establish such definitions, procedures, and standards as the Administrator considers necessary for making determinations under paragraph (1).”.

**SEC. 510. FLOOD INSURANCE PURCHASE REQUIREMENTS.**

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended—

(1) in subsection (c)(2)(A), by striking “\$5,000 or less” and inserting the following: “\$25,000 or less, except that such amount (as it may have been previously adjusted) shall be adjusted for inflation by the Administrator upon the expiration of the 5-year period beginning upon the enactment of the 21st Century Flood Reform Act and upon the expiration of each successive 5-year period thereafter, in accordance with an inflationary index selected by the Administrator”;

(2) by adding at the end the following new subsection:

“(j) **FLOOD INSURANCE PURCHASE REQUIREMENTS.**—Notwithstanding any other provision of law, a State or local government or private lender may require the purchase of flood insurance coverage for a structure that is located outside of an area having special flood hazards.”.

**SEC. 511. CLARIFICATIONS; DEADLINE FOR APPROVAL OF CLAIMS.**

(a) **RULE OF CONSTRUCTION.**—Part C of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

**“SEC. 1350. RULE OF CONSTRUCTION.**

“A policyholder of a policy for flood insurance coverage made available under this title must exhaust all administrative remedies, including submission of disputed claims to appeal under any appeal process made available by the Administrator, prior to commencing legal action on any disputed claim under such a policy.”.

(b) **DEADLINE FOR APPROVAL OF CLAIMS.**—

(1) **IN GENERAL.**—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by the preceding provisions of this Act, is further amended—

(A) in subsection (a), by striking “The Administrator” and inserting “Subject to the other provisions of this section, the Administrator”;

(B) by adding at the end the following new subsection:

“(c) **DEADLINE FOR APPROVAL OF CLAIMS.**—

“(1) **IN GENERAL.**—The Administrator shall provide that, in the case of any claim for damage to or loss of property under flood insurance coverage made available under this title, an initial determination regarding ap-

proval of a claim for payment or disapproval of the claim be made, and notification of such determination be provided to the insured making such claim, not later than the expiration of the 120-day period (as such period may be extended pursuant to paragraph (2)) beginning upon the day on which the policyholder submits a signed proof of loss detailing the damage and amount of the loss. Payment of approved claims shall be made as soon as possible after such approval.

“(2) **EXTENSION OF DEADLINE.**—The Administrator shall provide that the period referred to in paragraph (1) may be extended by a single additional period of 15 days in cases where extraordinary circumstances are demonstrated. The Administrator shall, by regulation, establish criteria for demonstrating such extraordinary circumstances and for determining to which claims such extraordinary circumstances apply.”.

(2) **APPLICABILITY.**—The amendments made by paragraph (1) shall apply to any claim under flood insurance coverage made available under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) pending on the date of the enactment of this Act and any claims made after such date of enactment.

**SEC. 512. RISK TRANSFER REQUIREMENT.**

Subsection (e) of section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081(e)) is amended—

(1) by striking “(e) **RISK TRANSFER.**—The Administrator” and inserting the following:

“(e) **RISK TRANSFER.**—

“(1) **AUTHORITY.**—The Administrator”;

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

“(2) **REQUIRED RISK TRANSFER COVERAGE.**—

“(A) **REQUIREMENT.**—Not later than the expiration of the 18-month period beginning upon the date of the enactment of this paragraph and at all times thereafter, the Administrator shall annually cede a portion of the risk of the flood insurance program under this title to the private reinsurance or capital markets, or any combination thereof, and at rates and terms that the Administrator determines to be reasonable and appropriate, in an amount that—

“(i) is sufficient to maintain the ability of the program to pay claims; and

“(ii) manages and limits the annual exposure of the flood insurance program to flood losses in accordance with the probable maximum loss target established for such year under subparagraph (B).

“(B) **PROBABLE MAXIMUM LOSS TARGET.**—The Administrator shall for each fiscal year, establish a probable maximum loss target for the national flood insurance program that shall be the maximum probable loss under the national flood insurance program that is expected to occur in such fiscal year.

“(C) **CONSIDERATIONS.**—In establishing the probable maximum loss target under subparagraph (B) for each fiscal year and carrying out subparagraph (A), the Administrator shall consider—

“(i) the probable maximum loss targets for other United States public natural catastrophe insurance programs, including as State wind pools and earthquake programs;

“(ii) the probable maximum loss targets of other risk management organizations, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

“(iii) catastrophic, actuarial, and other appropriate data modeling results of the national flood insurance program portfolio;

“(iv) the availability of funds in the National Flood Insurance Fund established under section 1310 (42 U.S.C. 4017);

“(v) the availability of funds in the National Flood Insurance Reserve Fund established under section 1310A (42 U.S.C. 4017a);

“(vi) the availability of borrowing authority under section 1309 (42 U.S.C. 4016);

“(vii) the ability of the Administrator to repay outstanding debt;

“(viii) amounts appropriated to the Administrator to carry out the national flood insurance program;

“(ix) reinsurance, capital markets, catastrophe bonds, collateralized reinsurance, resilience bonds, and other insurance-linked securities, and other risk transfer opportunities; and

“(x) any other factor the Administrator determines appropriate.

“(D) **MULTI-YEAR CONTRACTS.**—Nothing in this paragraph may be construed to prevent or prohibit the Administrator from complying with the requirement under subparagraph (A) regarding ceding risk through contracts having a duration longer than one year.”.

#### **SEC. 513. GAO STUDY OF SIMPLIFICATION OF NATIONAL FLOOD INSURANCE PROGRAM.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of options for simplifying flood insurance coverage made available under the National Flood Insurance Act, which shall include the following:

(1) An analysis of how the administration of the National Flood Insurance Program can be simplified—statutorily, regulatorily, and administratively—for private flood insurance policyholders, companies, agents, mortgage lenders, and flood insurance vendors.

(2) An assessment of ways in which flood insurance coverage made available under the National Flood Insurance Act and the program for providing and administering such coverage may be harmonized with private insurance industry standards.

(3) Identification and analysis of ways in which the structure of the National Flood Insurance Program may be simplified, including analysis of the efficacy and effects each of the following actions:

(A) Eliminating the use of two deductibles under the Program.

(B) Including in claims for flood-damages full replacement cost for property not damaged, but rendered unusable, by the flooding.

(C) Using umbrella policies that allow multiple structures on a property to be insured under the same policy.

(b) **REPORT.**—Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the findings and conclusions of the study conducted pursuant to this section.

#### **SEC. 514. GAO STUDY ON ENFORCEMENT OF MANDATORY PURCHASE REQUIREMENTS.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the implementation and efficacy of the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a). Such study shall at minimum consider the following questions:

(1) How effectively do Federal agencies, regulated lending institutions, and Federal entities for lending regulation implement the requirements of section 102 of the Flood Disaster Protection Act of 1973?

(2) Does the current implementation of Flood Disaster Protection Act of 1973 align with the congressional findings and purposes described in section 2(b) of such Act (42 U.S.C. 4002)?

(3) What is the current level of compliance with section 102?

(4) What are the estimated historical impacts on revenue to the National Flood Insurance Program based on the current level of compliance of section 102?

(5) Is the current monitoring and tracking framework in place sufficient to ensure compliance with section 102?

(6) What is the best way to establish a consolidated, comprehensive, and accurate repository of data on compliance with section 102?

(7) What, if any, unintended consequences have resulted from the requirements and implementation of section 102?

(8) How can Federal agencies and regulated lending institutions improve compliance with section 102?

(b) **REPORT.**—Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the findings and conclusions of the study conducted pursuant to this section.

### **TITLE VI—ADMINISTRATIVE REFORMS**

#### **SEC. 601. PENALTIES FOR FRAUD AND FALSE STATEMENTS IN THE NATIONAL FLOOD INSURANCE PROGRAM.**

Part C of chapter 2 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

##### **“SEC. 1351. PENALTIES FOR FRAUD AND FALSE STATEMENTS IN THE NATIONAL FLOOD INSURANCE PROGRAM.**

“(a) **PROHIBITED ACTS.**—A person shall not knowingly make a false or misleading statement, production, or submission in connection with the proving or adjusting of a claim for flood insurance coverage made available under this Act. Such prohibited acts include—

“(1) knowingly forging an engineering report, claims adjustment report or technical assistance report used to support a claim determination;

“(2) knowingly making any materially false, fictitious, or fraudulent statement or representation in an engineering report, claims adjustment report, or technical assistance report to support a claim determination;

“(3) knowingly submitting a materially false, fictitious, or fraudulent claim.

“(b) **CIVIL ENFORCEMENT.**—The Attorney General may bring a civil action for such relief as may be appropriate whenever it appears that any person has violated or is about to violate any provision of this section. Such action may be brought in an appropriate United States district court.

“(c) **REFERRAL TO ATTORNEY GENERAL.**—The Administrator shall expeditiously refer to the Attorney General for appropriate action any evidence developed in the performance of functions under this Act that may warrant consideration for criminal or civil prosecution.

“(d) **PENALTIES.**—

“(1) **CIVIL MONETARY PENALTY.**—Any person who violates subsection (a) shall be subject to a civil penalty of not more than \$10,000 for each violation, which shall be deposited into the National Flood Insurance Fund established under section 1310 (42 U.S.C. 4017).

“(2) **SUSPENSION AND DEBARMENT.**—Any person who violates subsection (a) shall not be eligible, for a period of not less than 2 years and not to exceed 5 years, to—

“(A) receive flood insurance coverage pursuant to this title; or

“(B) provide services in connection with the selling, servicing, or handling of claims

for flood insurance policies provided pursuant to this title.

“(3) **OTHER PENALTIES.**—The penalties provided for in this subsection shall be in addition to any other civil or criminal penalty available under law.”.

#### **SEC. 602. ENHANCED POLICYHOLDER APPEALS PROCESS RIGHTS.**

(a) **ESTABLISHMENT.**—Part C of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

##### **“SEC. 1352. APPROVAL OF DECISIONS RELATING TO FLOOD INSURANCE COVERAGE.**

“(a) **IN GENERAL.**—The Administrator shall establish an appeals process to enable holders of a flood insurance policy provided under this title to appeal the decisions of their insurer, with respect to the disallowance, in whole or in part, of any claims for proved and approved losses covered by flood insurance. Such appeals shall be limited to the claim or portion of the claim disallowed by the insurer.

“(b) **APPEAL DECISION.**—Upon a decision in an appeal under subsection (a), the Administrator shall provide the policyholder with a written appeal decision. The appeal decision shall explain the Administrator’s determination to uphold or overturn the decision of the flood insurer. The Administrator may direct the flood insurer to take action necessary to resolve the appeal, to include re-inspection, re-adjustment, or payment, as appropriate.

“(c) **RULES OF CONSTRUCTION.**—This section shall not be construed as—

“(1) making the Federal Emergency Management Agency or the Administrator a party to the flood insurance contract; or

“(2) creating any action or remedy not otherwise provided by this title.”.

(b) **REPEAL.**—Section 205 of the Bunning-Blumenauer-Bereuter Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) is hereby repealed.

#### **SEC. 603. DEADLINE FOR APPROVAL OF CLAIMS.**

(a) **IN GENERAL.**—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(d) **DEADLINE FOR APPROVAL OF CLAIMS.**—

“(1) **IN GENERAL.**—The Administrator shall provide that, in the case of any claim for damage to or loss of property under flood insurance coverage made available under this title, a final determination regarding approval of a claim for payment or disapproval of the claim be made, and notification of such determination be provided to the insured making such claim, not later than the expiration of the 90-day period (as such period may be extended pursuant to paragraph (2)) beginning upon the day on which such claim was made. Payment of approved claims shall be made as soon as possible after such approval.

“(2) **EXTENSION OF DEADLINE.**—The Administrator shall provide that the period referred to in paragraph (1) may be extended by a single additional period of 15 days in cases where extraordinary circumstances are demonstrated. The Administrator shall, by regulation, establish criteria for demonstrating such extraordinary circumstances and for determining to which claims such extraordinary circumstances apply.”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply to any claim under flood insurance coverage made available under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) pending on the date of the enactment of this Act and any claims made after such date of enactment.



**SEC. 604. LITIGATION PROCESS OVERSIGHT AND REFORM.**

Part C of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

**“SEC. 1353. OVERSIGHT OF LITIGATION.**

“(a) OVERSIGHT.—The Administrator shall monitor and oversee litigation conducted by Write Your Own companies arising under contracts for flood insurance sold pursuant to this title, to ensure that—

“(1) litigation expenses are reasonable, appropriate, and cost-effective; and

“(2) Write Your Own companies comply with guidance and procedures established by the Administrator regarding the conduct of litigation.

“(b) DENIAL OF REIMBURSEMENT FOR EXPENSES.—The Administrator may deny reimbursement for litigation expenses that are determined to be unreasonable, excessive, contrary to guidance issued by the Administrator, or outside the scope of any arrangement entered into with a Write Your Own company.

“(c) LITIGATION STRATEGY.—The Administrator may direct litigation strategy for claims arising under a contract for flood insurance sold by a Write Your Own company.”.

**SEC. 605. PROHIBITION ON HIRING DISBARRED ATTORNEYS.**

Part C of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

**“SEC. 1354. PROHIBITION ON HIRING DISBARRED ATTORNEYS.**

“The Administrator may not at any time newly employ in connection with the flood insurance program under this title any attorney who has been suspended or disbarred by any court, bar, or Federal or State agency to which the individual was previously admitted to practice.”.

**SEC. 606. TECHNICAL ASSISTANCE REPORTS.**

(a) USE.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(e) USE OF TECHNICAL ASSISTANCE REPORTS.—When adjusting claims for any damage to or loss of property which is covered by flood insurance made available under this title, the Administrator may rely upon technical assistance reports, as such term is defined in section 1312A, only if such reports are final and are prepared in compliance with applicable State and Federal laws regarding professional licensure and conduct.”.

(b) DISCLOSURE.—The National Flood Insurance Act of 1968 is amended by inserting after section 1312 (42 U.S.C. 4019) the following new section:

**“SEC. 1312A. DISCLOSURE OF TECHNICAL ASSISTANCE REPORTS.**

“(a) IN GENERAL.—Notwithstanding section 552a of title 5, United States Code, upon request by a policyholder, the Administrator shall provide a true, complete, and unredacted copy of any technical assistance report that the Administrator relied upon in adjusting and paying for any damage to or loss of property insured by the policyholder and covered by flood insurance made available under this title. Such disclosures shall be in addition to any other right of disclosure otherwise made available pursuant to section 552a or any other provision of law.

“(b) DIRECT DISCLOSURE BY WRITE YOUR OWN COMPANIES AND DIRECT SERVICING AGENTS.—A Write Your Own company or direct servicing agent in possession of a tech-

nical assistance report subject to disclosure under subsection (a) may disclose such technical assistance report without further review or approval by the Administrator.

“(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) POLICYHOLDER.—The term ‘policyholder’ means a person or persons shown as an insured on the declarations page of a policy for flood insurance coverage sold pursuant to this title.

“(2) TECHNICAL ASSISTANCE REPORT.—The term ‘technical assistance report’ means a report created for the purpose of furnishing technical assistance to an insurance claims adjuster assigned by the National Flood Insurance Program, including by engineers, surveyors, salvors, architects, and certified public accountants.”.

**SEC. 607. IMPROVED DISCLOSURE REQUIREMENT FOR STANDARD FLOOD INSURANCE POLICIES.**

Section 100234 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4013a) is amended by adding at the end the following new subsection:

“(c) DISCLOSURE OF COVERAGE.—

“(1) DISCLOSURE SHEET.—Each policy under the National Flood Insurance Program shall include a disclosure sheet that sets forth, in plain language—

“(A) the definition of the term ‘flood’ for purposes of coverage under the policy;

“(B) a description of what type of flood forces are necessary so that losses from an event are covered under the policy, including overflow of inland or tidal waves, unusual and rapid accumulation or runoff of a surface any source, and mudflow;

“(C) a statement of the types and characteristics of losses that are not covered under the policy;

“(D) a summary of total cost and amount of insurance coverage, and any other information relating to such coverage required to be disclosed under section 1308(l) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(l));

“(E) a statement that the disclosure sheet provides general information about the policyholder’s standard flood insurance policy;

“(F) a statement that the standard flood insurance policy, together with the endorsements and declarations page, make up the official contract and are controlling in the event that there is any difference between the information on the disclosure sheet and the information in the policy; and

“(G) a statement that if the policyholder has any questions regarding information in the disclosure sheet or policy he or she should contact the entity selling the policy on behalf of the Program, together with contact information sufficient to allow the policyholder to contact such entity.

“(2) ACKNOWLEDGMENT SHEET.—Each policy under the National Flood Insurance Program shall include an acknowledgment sheet that sets forth, in plain language—

“(A) a statement of whether or not there is a basement in the property to be covered by the policy;

“(B) a statement of whether or not the policy provides coverage for the contents of the property covered by the policy;

“(C) a statement that the standard flood insurance policy, together with the endorsements and declarations page, make up the official contract and are controlling in the event that there is any difference between the information on the acknowledgment sheet and the information in the policy; and

“(D) a statement that if the policyholder has any questions regarding information in the acknowledgment sheet or policy he or she should contact the entity selling the policy on behalf of the Program, together with

contact information sufficient to allow the policyholder to contact such entity.

“(3) REQUIRED SIGNATURES.—Notwithstanding section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)), a policy for flood insurance coverage under the National Flood Insurance Program may not take effect unless the disclosure sheet required under paragraph (1) and the acknowledgment sheet required under paragraph (2), with respect to the policy, are signed and dated by the policyholder and the seller of the policy who is acting on behalf of the Program.”.

**SEC. 608. RESERVE FUND AMOUNTS.**

Section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) is amended by adding at the end the following new subsection:

“(g) CREDITING OF RESERVE FUND AMOUNTS.—Funds collected pursuant to section 1310A may be credited to the Fund under this section to be available for the purpose described in subsection (d)(1).”.

**SEC. 609. SUFFICIENT STAFFING FOR OFFICE OF FLOOD INSURANCE ADVOCATE.**

(a) IN GENERAL.—Section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033) is amended by adding at the end the following new subsection:

“(c) STAFF.—The Administrator shall ensure that the Flood Insurance Advocate has sufficient staff to carry out all of the duties and responsibilities of the Advocate under this section.”.

(b) TIMING.—The Administrator of the Federal Emergency Management Agency shall take such actions as may be necessary to provide for full compliance with section 24(c) of the Homeowner Flood Insurance Affordability Act of 2014, as added by the amendment made by subsection (a) of this section, not later than the expiration of the 180-day period beginning on the date of the enactment of this Act.

**SEC. 610. LIMITED EXEMPTION FOR DISASTER OR CATASTROPHE CLAIMS ADJUSTERS.**

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

“(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

“(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

“(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

“(C) whose duties include any of the following:

“(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

“(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

“(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

“(iv) negotiating settlements; or

“(v) making recommendations regarding litigation.

“(2) Notwithstanding any other provision of section 18, in the event of a major disaster, this Act exclusively shall govern all

such employers in lieu of any State or other Federal law or regulation or local law or regulation, with respect to the employees described in paragraph (1).

“(3) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

“(4) For purposes of this subsection—

“(A) the term ‘major disaster’ means any natural catastrophe, including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any other catastrophe, including fire, flood, explosion, land collapse, avalanche, or pollutant or chemical release;

“(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

“(C) the term ‘affiliate’ means a company that, by reason of ownership or control of twenty-five percent (25%) or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

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.

#### GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include 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 myself such time as I may consume.

Hurricanes Harvey, Irma, Maria: the images of the human misery and the economic devastation are still clearly imprinted on our minds.

Unfortunately, we know that part of this is a result of a failed National Flood Insurance Program, which, Mr. Speaker, faced three important challenges.

First, it is a bankrupt program. It is unsustainable. Taxpayers are on the hook for \$1.2 trillion, running an annual actuarial deficit of \$1.5 billion. It has already received two different bailouts, for a combined total of about \$25 billion.

Also, it incents and subsidizes people to actually live in harm's way.

Finally, Mr. Speaker, it is a government monopoly that, notwithstanding subsidized rates, still, unfortunately, has unaffordable premiums for many.

Today is a good day, Mr. Speaker, because today the House gets to vote on the 21st Century Flood Reform Act.

I thank the gentleman from Missouri (Mr. LUETKEMEYER) for his leadership on the mapping reforms and reinsurance. I want to thank the gentleman from Florida (Mr. ROSS) for his reforms on opening up the market. I certainly want to thank the gentleman from Wisconsin (Mr. DUFFY) for his tireless effort and leadership in bringing this bill to the floor.

There are a lot of good reforms in this bill, Mr. Speaker, for both taxpayers and ratepayers. Let me just briefly touch upon two.

It is an absolutely revolutionary reform, Mr. Speaker, that we can break open the government monopoly and bring in market competition, innovation competition, and more affordable rates for so many.

Milliman, one of the actuarial experts within the marketplace, released a study a couple of months ago talking about the market competition, saying: “Based on our estimates, this would hold for 77 percent of all single families in Florida, 69 percent in Louisiana, and 92 percent in Texas,” who all would see cheaper premiums.

We know that is not theory. It is actually happening in the market today. In the nascent part of the market that is open, people are getting hundreds, if not thousands, of dollars of savings.

One of the great tragedies that I saw in my native State of Texas, in Houston, was how few people actually took up flood insurance. Think, Mr. Speaker, if we had competition, if we had advertising, if people could roll that into their homeowner rates, how many more people would have been protected by the ravages of these hurricanes.

One more reform, briefly. We have these repetitive loss properties where people live in areas that flood over and over and over. I met a couple of families in Houston. They had three floods in 8 years. We have got to help them.

This bill provides more money for relocation, for flood-proofing, and for mitigation, than any other flood reform bill, all by 25 percent. We would prioritize these areas.

We also have to realize that if we are going to make this program sustainable, we cannot have 1 percent of the properties causing 25 percent of the losses.

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Ultimately, if all we do is rebuild the same properties in the same fashion in the same location, that is neither wise nor compassionate. We have an opportunity to enact historic reforms. We should do it today.

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, I rise today in opposition to H.R. 2874, legislation that will make flood insurance more expensive, less available, and less fair for consumers.

At the outset, let me just say that I appreciate the time and effort that Chairman HENSARLING and Mr. DUFFY spent in responding to my calls for bipartisanship. We sat down multiple times to discuss areas where we could find compromise and a path forward.

Although our discussions were ultimately not successful and I strongly oppose this bill, I continue to believe that flood insurance really can be a bipartisan issue. In fact, I have a long history of working across the aisle on the National Flood Insurance Program.

In 2012, I coauthored the Biggert-Waters Act with former Representative Judy Biggert, and in 2014, when FEMA's botched implementation of the premium increases called for in that law led to unintended consequences, lawmakers from across the aisle joined me once again to pass the Homeowner Flood Insurance Affordability Act.

Unfortunately, despite the best efforts of Members from both sides of the aisle, I cannot support H.R. 2874 because it contains many provisions that will harm American families and businesses.

First and most importantly, the bill makes flood insurance more expensive. This bill will punish low and middle class Americans with increased premiums, surcharges, and reserve fund assessments. In the wake of a historic hurricane season that devastated so many communities, it is unconscionable that we are considering a bill that would make flood insurance less affordable. We should be focussing on providing additional disaster relief and recovery after these devastating storms, not punishing these communities with higher premiums and surcharges.

It is clear that there are those who choose to live near the coast as a luxury, but there are also those who live in floodplains who are low- and middle-income families with modest homes, including some neighborhoods that are predominantly minority. This is because of the sad history of government-endorsed racism in access to credit and in neighborhood planning that pushed minorities into the bad parts of town, which, in some cases, were bad because they were prone to flooding.

These communities also often lack the resources to make upgrades to their homes and infrastructure to guard against future flood risk and are the least able to recover after a flood. The Lower Ninth Ward in New Orleans is a prime example.

Another example is Greenspoint, a business district in Houston that was one of the hardest hit by Harvey. One in three residents in Greenspoint lives below the poverty line. Families in Greenspoint were still living in water-damaged and moldy units from flooding last year when they were hit again by Harvey.

There is no simple answer to our Nation's flooding problems, but I do know that raising the premiums and racking these up on policyholders will only hurt families as well as our economy.

Second, the bill makes flood insurance less available by allowing businesses to opt out of the requirement to purchase flood insurance, even if they are a high-risk property in a flood zone.

What is more, the bill kicks out certain low-value homes from the NFIP by prohibiting coverage for any home with claims that, over the entire history of the property, following enactment, even if it changes hands, exceed three times the replacement value of the structure.

This provision is so ill-conceived that the American Bankers Association wrote: "Cutting off such properties from NFIP coverage will likely lead to significant hardship for homeowners, lenders, and communities. As borrowers lose NFIP coverage, and especially if alternative private coverage is not available or affordable, these properties will lose value, and the risk of abandonment and/or foreclosure increases dramatically. In some flood-prone communities, this could lead to a local or regional foreclosure crisis."

Third, the bill makes flood insurance less fair for policyholders. In the wake of this historic hurricane season, it is astounding to me that the bill does nothing to fund flood maps so that we can better protect families. Oftentimes, communities are unaware of their true flood risk; and by not providing any funding for flood maps, building in areas with no information about flood risk will only continue.

Climate change will only make these storms more frequent, stronger, and more devastating than ever before, and we must make sure that the NFIP remains available and affordable to all Americans, not make it worse.

For all of these reasons, I urge my colleagues to oppose H.R. 2874, and I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Foreign Affairs Committee and respected member of the Financial Services Committee.

Mr. ROYCE of California. Mr. Speaker, I rise in strong support of the 21st Century Flood Reform Act.

I think what Chairman JEB HENSARLING was able to do here, and Chairman DUFFY, is put forward a bill that has really brought together the Montagues and the Capulets, I mean, when you think about the fact that, on one hand, you have got the environmental community supporting this and you have got taxpayers' advocates; you have got conservative think tanks and you have got affordable housing groups; you have the reinsurers and you have the insurers.

We talked about two priorities that at least I was pushing to reauthorize in the National Flood Insurance Program.

One of those was to provide better disclosure to consumers about flood risk. We wanted them to know. And the second was to decrease the number of repeatedly flooded properties. This bill accomplishes both of those things.

Section 108 of the bill includes language that I authored, which will provide information to home buyers about past flood events, about the damage, about insurance claims, about any obligation they might have to carry flood insurance; and the National Association of Realtors supports this common-sense approach.

Section 402 of the bill includes the bipartisan Repeatedly Flooded Communities Preparation Act, sponsored by Representative EARL BLUMENAUER and me. This means that repeatedly flooded properties, which comprise less than 2 percent of NFIP policies but account for one-third of all claims, are dealt with.

Responsible, community-driven mitigation is a win-win proposal, one which will help our neighborhoods become stronger in the face of floods and address the fiscal footing of the overall program by decreasing the cost as this is addressed to community level.

Finally, Mr. Speaker, I would particularly like to thank the Pew Charitable Trusts, their flood-prepared communities initiative, for their support of our reform efforts.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLEAVER), the ranking member of the Housing and Insurance Subcommittee on the Financial Services Committee.

Mr. CLEAVER. Mr. Speaker, I rise in opposition to H.R. 2874, the 21st Century Flood Reform Act.

When the Financial Services Committee began the process to reauthorize the National Flood Insurance Program, I was very hopeful that we could work across the aisle in a bipartisan manner. Unfortunately, the bill we see here today is not reflective of that approach.

Though a number of changes have, in fact, been made to H.R. 2874 since leaving committee, the new provisions still fail to incorporate many of our priorities for reauthorization or address our concerns with the NFIP.

Most significantly, Mr. Speaker, in H.R. 2874 is the fact that it will increase cost for policyholders. The bill raises costs on pre-FIRM structures from 5 percent to 6.5 percent.

Additionally, the bill will require a \$40 surcharge on primary residences and seeks to increase the reserve fund by charging policyholders an additional 1 percent every year.

The bill also changes the fee to policyholders who opt to pay their policy monthly. Many of our constituents who live in flood-prone areas are not wealthy. These are hardworking Americans who rely on the NFIP to help offset costs and protect their homes from disastrous flooding.

Instead of working to find ways to truly address affordability within the

NFIP, the bill proposes to set up a voluntary State affordability program. This proposal then fails to provide States with the administrative costs to set up a program, a cost that may be far too burdensome for many already-struggling States.

Even worse, the program would offset discounts for eligible policyholders by charging policyholders who are not able to take advantage of the affordability program—yet again increasing costs for homeowners.

Importantly, H.R. 2874 makes no effort to address the debt. Though the NFIP had been self-sustaining for many years, extreme unexpected damage following Hurricane Katrina and Superstorm Sandy left the NFIP with over \$20 billion in debt. Though some of the debt was, in fact, recently forgiven, the NFIP needed to borrow more from the Treasury following Hurricanes Harvey, Irma, and Maria.

The NFIP pays over \$400 million a year in interest, money that could go towards making improvements in the program or helping enhance affordability. We need to wipe the slate clean and give the NFIP a fresh start.

H.R. 2874 fails to provide additional funding for flood maps, maps that, in many jurisdictions, are desperately needed if we are going to have updated maps. This bill also lacks funding for new mapping technology that could help improve the accuracy of the flood maps.

In conclusion, the short-term reauthorization of the NFIP expires early next month. I urge my colleagues to vote against this bill and support a long-term NFIP strategy that promotes affordability, stability for stakeholders, and necessary funding for mapping and mitigation.

Mr. HENSARLING. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. LUETKEMEYER), chairman of the Financial Institutions and Consumer Credit Subcommittee and one of the coauthors of H.R. 2874.

Mr. LUETKEMEYER. Mr. Speaker, I rise today in support of the 21st Century Flood Reform Act.

Chairman HENSARLING and Chairman DUFFY have crafted a great substitute amendment that will bring about meaningful reform of NFIP and protect taxpayers and policyholders alike.

The amendment includes H.R. 2246, my Taxpayer Exposure Mitigation Act of 2017. Included in that bill is a requirement that the FEMA Administrator purchase reinsurance or a capital market alternative in an effort to guard taxpayers against losses.

I know of no major insurance company in the private sector that does not purchase coverage to protect itself against loss of this kind. These products function well. There is no reason that FEMA should not be following this best practice as well.

The amendment also grants States and local governments and our constituents the ability to play a more proactive role in the FEMA floodplain mapping process.

I represent the Lake of the Ozarks with its 27,000 pieces of property along its shoreline, which has dealt with tremendous mapping issues over the past several years. Hundreds of letters of map amendments were granted to my constituents, and there were multiple attempts by the community to engage with FEMA to fix their mapping process, but my constituents never felt their concerns were taken seriously.

The Lake of the Ozarks is not unique. FEMA processes 25,000 LOMA letters each year at a cost of \$13 million. This should tell all of us something about the mapping process. Under this bill, areas like the Lake of the Ozarks would be able to improve the accuracy of the maps themselves, no longer beholden to Washington, D.C.

This amendment would also create an opt-out from the mandatory coverage required for commercial properties, allowing banks and businesses more flexibility to secure flood insurance coverage that meets an entity's unique risks and needs.

□ 1530

It is important to note that this legislation does not preclude any business from securing NFIP policy. Policies will remain available to all businesses.

Also, this provision should not be misconstrued as a caveat to avoid the purchase of flood insurance. Businesses operating in flood plains should have flood insurance, and I am confident that lenders will insist upon reasonable coverage. I believe this should be a business decision between the lender and the business customer.

Lastly, this amendment would require FEMA to use actual replacement cost in determining premium rates for NFIP policies—language originally included in my H.R. 2565.

Pricing for private policies frequently takes into account the actual replacement cost of a structure. It makes sense. Any insurance policy should factor in the amount of money that would be needed to replace a structure.

FEMA doesn't adhere to this fundamental of insurance. Rather, the agency effectively uses a fixed national average for insured value and replacement costs when determining customer premiums.

The result of FEMA's current practice is that lower-income policyholders subsidize wealthier homeowners.

The substitute amendment we consider today gives FEMA the flexibility it needs to stop this practice and move toward a replacement cost pricing structure.

I also want to thank my colleague from Wisconsin for including this provision in his substitute amendment. I am confident this package will allow the private sector to flourish and take risk off the backs of taxpayers while protecting NFIP policyholders.

Mr. Speaker, I urge my colleagues to support the measure.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the

gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the ranking member of the Subcommittee on Capital Markets of the Financial Services Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership.

Mr. Speaker, I rise today in opposition to H.R. 2874.

There are some good things in this bill, including the Zeldin-Maloney bill, that would allow policyholders to receive mitigation credit for elevating boilers and other mechanical systems to higher floors instead of in easily flooded basements, which is a huge deal for the city of New York and other big cities.

But there are too many provisions that would make flood insurance in my district either unavailable or unaffordable. For this reason, the city of New York opposes this bill.

The bill would raise premiums on homeowners by increasing the floor on premium increases that Congress just set 3 years ago. Currently, FEMA has to increase premiums by a minimum of 5 percent per year. Under this bill, FEMA would have to increase premiums by a minimum of 6.5 percent per year.

When you add up the mandatory increases in premiums required to fund FEMA's reserve fund and all of the other surcharges in the bill, the effect would be to significantly increase flood insurance premiums for homeowners.

Finally, I am concerned about eliminating the noncompete clause for so-called write-your-own private insurers. This would allow the private insurers that administer the National Flood Insurance Program to exploit their access to FEMA's database in order to cherry-pick the safest properties. This would leave FEMA with only the riskiest properties, and would undermine the solvency of the National Flood Insurance Program.

So, while there are many thoughtful good provisions in this bill, there are too many provisions that would dramatically increase premiums for my constituents.

Mr. Speaker, I urge a "no" vote on this bill.

Mr. HENSARLING. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROSS), the vice chairman of the Housing and Insurance Subcommittee and the author of the pro-consumer competition title of the bill.

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

Mr. Speaker, I rise in support of the 21st Century Flood Reform Act, which would give communities in the Tampa Bay area and all of our constituents a National Flood Insurance Program that serves as a lifeboat when disaster strikes.

Right now, the NFIP is more like an anchor tied around our neck, dragging this country deeper and deeper into debt as the waters rise.

With a \$1.4 billion annual deficit and debt that continues to grow, this program desperately needs reform, and H.R. 2874 is our opportunity.

We should all recognize that the NFIP is not a relief program. It is an insurance program. It is supposed to insure against losses, which entails far more than simply paying for damages.

Insurance is not about relief. It is about responsibly managing risk. Insurance means mitigating risks before disaster strikes, making investments in resiliency measures, telling people when the risk they face is simply too great, and providing service that makes people thankful for choosing your product.

No one knows this better than the professionals in the insurance industry who work day in and day out to help Americans protect their lives, their loved ones, and their belongings against all types of threats—car crashes, earthquakes, and wildfires.

Regrettably, Federal policy has made it extremely difficult for private insurers to write policies that cover flood risk. We have created a virtual monopoly for the NFIP at the expense of policyholders and taxpayers alike, yet we are still \$30 billion in debt.

H.R. 2874, which includes my bipartisan Private Flood Insurance Market Development Act, will allow the private sector to compete to help homeowners manage their exposure to floods.

Competition can lower costs, provide more affordable options for consumers, and reduce the unacceptable number of uninsured homes by helping people understand their risk.

As it stands now, the NFIP is the worst of all worlds: It is too big to fail. It is also bound to fail.

With this legislation, we can make substantial progress in turning around a program that has found itself on the GAO's high-risk list for the last decade.

Under this bill, consumers will finally have an opportunity to select among a menu of options a plan that would fit their needs. As a result, they will be more likely to buy insurance than ever before.

That is not the case today with the NFIP. Our constituents are severely limited. \$250,000 maximum coverage on an NFIP policy. If you own a business, you are not going to get business interruption coverage.

What good is the insurance, then?

Thankfully, the private sector is capable of offering more robust policies that also provide more incentives for property owners to invest in mitigation and resiliency. Ultimately, this increased emphasis on mitigation will benefit homeowners and taxpayers alike.

This legislation will help us end the absurd practice of paying to rebuild a home that has been destroyed by flooding on more than three occasions.

Further, it strengthens the NFIP by directing FEMA to spread the NFIP's risk onto the global marketplace.

This bill also contains more funding for mitigation and recovery than has ever been authorized by Congress. Over \$1 billion will be made available by this bill to help manage our constituents' exposure to floods and improve the safety of a home after a catastrophe.

Mr. Speaker, let's support the freedom to insure against obvious danger that imperils people's homes and their wallets. Let's support informed decisionmaking.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Small Business Committee and a senior member of the Financial Services Committee.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in opposition to H.R. 2874.

This bill makes flood insurance more expensive, less available, and less fair for millions of working families.

This bill all but abandons Hurricane Sandy victims.

Hurricane Sandy made landfall in New York and New Jersey 5 years ago, causing approximately \$60 billion in damage. More than 50 people lost their lives.

Today—half a decade later—more than 1,000 homeowners still have not obtained proper resolution of their flood insurance claim.

That is why I have worked for almost 1½ years on legislation to improve FEMA's claims processing system and to bring proper oversight and management to the write-your-own program. While some of my recommended changes were included in this bill, language was also included that blows a direct hole in these reforms. This bill requires policyholders to exhaust all administrative remedies on any disputed claim before having their day in court.

However, we have already seen that FEMA's administrative system is broken—and this bill will enable dishonest insurance providers to continue hiding behind an unreachable threshold—meaning policyholders will never be made whole.

After more than 5 years, with more than 1,000 families still awaiting resolution of their Hurricane Sandy claim, we must seek to meaningfully reform the claims process, not make it harder for families to return to their home.

A vote for this bill is a vote to abandon Hurricane Sandy victims. Vote “no.”

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), the vice chairman of our Financial Institutions and Consumer Credit Subcommittee.

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

Mr. Speaker, I rise today to express my support for the 21st Century Flood Reform Act.

I commend my colleagues on the Financial Services Committee for their

hard work on this important bill, and I urge all Members to support its passage.

As we all know, this hurricane season brought flooding and devastation to many parts of the country. Hurricanes Harvey, Irma, and Maria added even more debt to the National Flood Insurance Program, leading to a taxpayer bailout of \$16 billion. That is \$16 billion taken from the pockets of hardworking Americans. Unless Congress passes the 21st Century Flood Reform Act, we will, once again, have to bail out this program.

The NFIP, as it currently operates, is structurally unsound. This bill will help to prevent future bailouts by authorizing the NFIP to build up its reserves. It will also prioritize mitigation efforts and encourage the NFIP to engage in actuarially sound practices.

Of course, this effort is not solely focused on taxpayer protection. Homeowners, too, will benefit from the 21st Century Flood Reform Act.

This bill crucially fosters the development of a private market for flood insurance. This will provide consumers with better options and more competitive prices.

My own State's former insurance commissioner testified in front of our committee last year in support of this idea after seeing benefits of private sector involvement. Commissioner Miller said:

“In Pennsylvania, competition is proving to be good for consumers. . . .”

“We are finding in many cases that private carriers are willing to offer comparable coverage at substantially lower cost than the NFIP.”

Mr. Speaker, this is good for the people of western Pennsylvania and it is the right policy for homeowners across the country.

I also want to thank Chairman DUFFY for incorporating my amendment concerning Amish communities into the final bill. The Amish and similar religious communities have a tradition, informed by their religious obligations, of paying for community losses through mutual aid societies. My amendment to this bill accommodates those communities.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DAVID SCOTT), a senior member of the Financial Services Committee.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I thank Ranking Member WATERS for yielding.

First, it is very important for us to understand that flooding, Mr. Speaker, is no longer just a coastal lawmaker's problem. Flooding is now running rampant in every part of our country.

So I think that every Member on the floor today and every Member of Congress needs to ask themselves a question, and that is: Are you really willing to put your name on this bill? Are you really willing to vote for this bill that

will drastically raise premiums on your constituents without putting the necessary guardrails in place so those who can't afford the high costs can still buy flood insurance?

Now, one example I am talking about is this, Mr. Speaker—and I want to make this clear. I hope that there are listeners on C-SPAN who will tune in. Call your neighbors, call somebody. So you listen to this: This bill, H.R. 2874, will require policyholders to pay for any assistance they get when their States create affordability programs.

Here is an example: Mr. DUFFY's bill allows for the creation of a voluntary State-run affordability program. But here is the catch, Mr. Speaker: there isn't one dime of funding provided in this bill to set up and implement this program.

Instead, Mr. DUFFY's bill says the cost of any discount given to policyholders will have to be offset by fee increases on other policyholders within the same State.

Now, Mr. Speaker, this is the Achilles' heel in this flood insurance business. I can guarantee you that this would have a gravely negative impact on all of us who are low to middle income.

Mr. Speaker, I made it clear to Mr. JEB HENSARLING, our distinguished chairman; and to Mr. DUFFY that we are willing to walk across party lines.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. DAVID SCOTT of Georgia. But we offered this, as the ranking member said, as an excellent opportunity. This summer, we spent week after week on this bill so that we could move this bill forward in a way that would address affordability, which was a major concern of mine, of the ranking member's, and those of us on our side of the aisle.

□ 1545

There is no affordability in here. It is very important for us to point out that this plan will put an overburden on the States, and then they have to pass it on in fees to the others.

Unfortunately, it is a terrible bill. I urge my colleagues to vote “no.”

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. HILL), a member of the Financial Services Committee.

Mr. HILL. Mr. Speaker, I thank my chairman.

Mr. Speaker, I rise in strong support of this bill sponsored by my friend, Representative SEAN DUFFY.

He has worked tirelessly in crafting a solution here, along with Representative LUETKEMEYER, Representative ROSS, and our full committee chairman, Mr. HENSARLING.

While the National Flood Insurance Program provides needed insurance coverage, it has numerous problems as currently constructed, and the 21st Century Flood Reform Act seeks to implement much-needed reforms in this program.

In addition to reauthorizing the flood program for 5 years, this bill provides increased transparency to the public, provides more information to people living in harm's way about past damages and the risk of flooding, ensures mapping is timely and accurate, ties rates to risk, gives consumers greater choice in flood insurance options, and incentivizes mitigation and risk reduction.

Currently, in Arkansas, we have one private insurer that offers flood insurance. A second underwriter is near approval by our Insurance Commissioner Allen Kerr.

The benefits to the consumer through private insurance are significant, as noted by the Milliman study.

For example, one private insurer in Arkansas covers up to \$2 million in coverage per occurrence, Mr. Speaker, as opposed to the NFIP, which limits coverage to \$250,000, across all rating categories at premiums substantially below the NFIP.

Further, this private insurer can offer replacement value, reimbursement for living expenses if an individual or family is displaced by a flood. The NFIP does not.

For almost 50 years, the experiment in government-provided flood insurance has proven to be ineffective, inefficient, and indisputably costly to hardworking taxpayers. The time for action is now.

Mr. Speaker, I include in the RECORD USA Today, Washington Post, Washington Times, and Chicago Tribune articles.

[From the USA Today, Sept. 7, 2017]

#### MAKE FLOOD INSURANCE REFLECT ACTUAL RISK

AFTER HURRICANES, TAXPAYERS CAN'T ABSORB EVER INCREASING TABS: OUR VIEW

In 1968, in the wake of Hurricane Betsy, Congress decided it had enough. Flooding was destroying too many homes, leaving financial and physical devastation in its wake.

So lawmakers created the National Flood Insurance Program, a government-run insurance fund for homeowners in flood-prone areas.

And that's when things got really bad.

The NFIP has been losing money ever since. The program is nearly \$25 billion in the red and is running annual deficits in the range of \$1.4 billion. That's because it's a creation of Congress and therefore sets its premiums according to what is politically convenient rather than what is actuarially sound.

With Hurricane Harvey devastating the Houston area, and Hurricane Irma bearing down on the Southeast coast, the program is certain to take a massive loss this year.

What's worse, the NFIP's woes are self-generating. Because the premiums are well below what should be charged, this effectively subsidizes construction in flood-prone areas. And that means its losses grow as more flood-prone land is developed.

Hurricane Katrina, which ravaged the Gulf Coast in 2005, exposed just how costly and counterproductive the program had become. In 2012, after years of debate, Congress enacted a law that made flood insurance rates more reflective of actual risks and expanded the areas considered flood-prone.

This generated Category 3 blowback from homeowners and the real estate lobby, and in

2014 Congress passed another law undoing much of the first.

Now, with catastrophic losses mounting and sea levels rising, it's time to revisit the issue.

Making federal flood insurance more reflective of reality would only go so far in dealing with the problem of building in flood-prone areas. That's because many homeowners don't have flood insurance and because much of the damage that the government eventually pays for is not covered by the program. (Private insurance typically covers damage from wind but not water.)

With Katrina, for instance, the flood insurance payout was \$16.3 billion. But Congress passed supplementary spending of more than \$100 billion to provide intensive relief and temporary housing, as well as fix broken levees.

With Harvey and Irma, the federal tab beyond of flood insurance is likely to be even higher. Only an estimated 20% of homeowners in the area affected by Harvey even bothered with flood insurance, a number that has been dropping in recent years. But making flood insurance reflect actual risks is a vital first step in coming to grips with reality.

In the past several decades, Americans have flocked to coastal communities, many of them in parts of the country prone to hurricanes. With the hit to taxpayers growing and the danger increasing, restraint—even some reversal—of this trend is needed.

While people in the hurricane zones deserve disaster assistance and the nation's sympathy, taxpayers can't simply absorb ever increasing tabs for flood losses. The government needs policies that encourage people to build their homes in safer places. Harvey and Irma are just the latest sobering wake-up calls with that message.

[From the Washington Post, Aug. 30, 2017]

#### AFTER HARVEY, FLOOD INSURANCE NEEDS REFORM

Congress must be generous in helping to repair the damage, to lives and to property, from Hurricane Harvey. The full extent of the destruction may not be known for a long time but is evidently catastrophic, just as the damage wrought by Katrina and Sandy was. Even as they demonstrate that they have a heart, lawmakers must also show that they have some brains. Specifically, the United States is long overdue for smart reforms to one of the major government institutions designed to help people cope with the risk of natural disaster: the National Flood Insurance Program (NFIP), which has underwritten a total of 5 million policies providing homeowners and some businesses \$1.2 trillion in coverage.

Now almost half a century old, the NFIP grew out of what was, at the time, a basic reality of the insurance business: Flooding risks were actuarially imponderable, so insuring against them was uneconomic for the private sector, especially in places such as the hurricane-prone Gulf of Mexico. To fill the gap, the federal government offered coverage on two conditions: that local communities would take appropriate land-use and other measures to prevent development in risky low-lying areas; and that homeowners would pay actuarially sound premiums.

Elegant in theory, the plan gradually succumbed to real estate interests, with the result that flood insurance enabled rather than managed development along coasts and in other flood-prone areas—ultimately putting more people and property at risk than might otherwise have been the case. As it happens, well-to-do people benefit disproportionately from this program; they're the ones who tend to build big houses on the beach. The

NFIP has spent many millions of dollars to repair properties that have been repeatedly flooded.

Prior to Katrina, the NFIP was nevertheless generally able to pay for coverage through the premiums it collected. Massive losses from that storm and Sandy, however, have driven it into de facto bankruptcy; the program has been forced to borrow more than \$24 billion from the treasury to pay claims, a debt that was nearly unpayable even before Harvey hit. At the moment, the program has \$1.7 billion on hand, plus \$5.8 billion left on its line of credit with the Treasury—and some 373,000 policyholders in the Harvey flood zone who will expect to get paid.

Coincidentally, the program is due for reauthorization on Sept. 30. Ideally, this deadline would galvanize Congress to ensure enough money is available to pay current commitments, while reforming NFIP for the future. What's needed are tougher flood-risk mitigation requirements, more realistic premiums and encouragement for private-sector involvement in the business, based on modern technology that may enable insurance companies to underwrite risks they could not have underwritten in the 1960s.

Recent history, alas, doesn't make us optimistic: Congress did reform the program on a bipartisan basis in 2012, only to see much of that undone under pressure from coastal-state lawmakers in 2014, after Sandy. "There is a tide in the affairs of men, which taken at the flood, leads on to fortune," Shakespeare wrote. Congress, though, tends to go with the political flow.

[From the Washington Times, Sept. 6, 2017]

#### FIXING FLOOD INSURANCE IN HARVEY'S WAKE PRIVATE INSURERS COULD HELP IN MATCHING COST AND RISK

Hurricane Harvey took the most devastating flooding in the city's history to Houston, and the cost of repairing the damage will be astronomical. Sadly, the federal flood insurance program is already underwater and Harvey will only add to the flood of red ink. It's clear that Congress must reform the program so the premiums property owners pay more closely reflect the flood risk. Until that happens, nature's frequent fury will continue to undermine the finances of everyone.

With the angry water from the Category 4 hurricane damaging 200,000 Houston-area homes and business firms, early estimates place the cost of restoration as high as \$190 billion. That would eclipse the \$108 billion loss in the 2005 Hurricane Katrina and Superstorm Sandy in 2012. President Trump expects Congress to quickly approve a \$7.9 billion down payment for emergency relief.

The National Flood Insurance Program, designed to wield the financial muscle of the federal government to protect flood-prone property, has proved to be a money sieve. It covers about 5 million flood-prone properties nationwide, worth about \$1.2 trillion, and collects about \$3.5 billion annually in premiums. The program was \$25 billion in the red before Harvey hit—a clear indicator that overall, property owners who are required to carry flood insurance are not paying for the risk.

Among the existing program's shortcomings are its policy of grandfathering older structures built in low-lying regions before accurate floodplain mapping began, encouraging owners to renovate rather than demolish. Between 1978 and 2004, these risky properties comprised 1 percent of the program's insured properties but accounted for 38 percent of the damage claims, according to the Government Accountability Office. The federal program is subsidizing insurance



for expensive waterfront property along the Southeastern coastline, favoring the wealthiest homeowners.

Congress has made several attempts to put the insurance on a sustainable financial footing, without success. The program will expire at the end of this month, which offers legislators an opportunity to resolve the unintended consequences of the program.

Several constructive bills were reported out of the House Financial Services Committee in June. Among the proposals are provisions giving more leeway to private insurers who currently offer only federally approved policies. Doing so would allow insurers to set premiums tailored to individual properties, resulting in a closer match of insurance cost and flood risk. Other provisions would limit claim payments for repeatedly flooded properties and require the use of replacement cost in setting insurance rates.

The House is seeking a five-year reauthorization of the National Flood Insurance Program and the Senate version calls for a 10-year term to ensure continuity. Both versions back provisions to allow a gradual increase of private-sector involvement in flood insurance. It's an idea endorsed by the free-market Cato Institute, which says "the ideal 'reform' to the [program] would be to fully privatize flood insurance. That would be more likely to fix the system in a way that would limit the long-run government liability than any alternative legislative approach." Allowing private insurers to have a larger role in future flood protection is sensible.

No one could have foreseen the once-in-a-lifetime deluge that swamped Houston, but actuaries make their bones calculating risk, including in their calculations such unpredictable natural disasters as tornadoes and earthquakes. Insurance premiums undistorted by Washington rules would give consumers a clearer picture of flood hazards, helping them avoid the mistake of building in the path of storms like Hurricane Harvey. With monster storm Irma bearing down on Florida, the need is urgent for Congress to safeguard Americans from future property loss and new heartbreak.

[From the Chicago Tribune, Sept. 7, 2017]

#### THE FOLLY OF PAYING AMERICANS TO LIVE IN HARM'S WAY

In the aftermath of Hurricane Harvey's hit on Texas, and with Hurricane Irma threatening Florida, let's all acknowledge one reason for the vulnerability of Americans who live in low-lying coastal regions of the Sun Belt: The federal government has been paying people to locate there.

Not explicitly, of course. But an abundance of inexpensive housing is a big attraction. And a big factor in the low cost of housing in the Houston area is that developers are free to build almost anywhere, including marshy, low-lying areas where land is cheap.

The chance of being swamped deters some people, but the government offers flood insurance to pay for repairing and rebuilding. The owners of a Houston home that flooded 16 times in 18 years got more than \$800,000 in payments—for a house worth just \$115,000.

The folly of the government's flood insurance program has been evident for decades, and some Midwestern communities have been in on the action. We've written about how federal flood insurance has serially benefited many of those who refuse to move from river flood plains, sometimes to a fault. After the Mississippi River flood of 1993, one Grafton, Ill., resident explained to a reporter that he had collected \$24,000 in federal insurance for damage to his small house from floods in 1979, 1982, 1986 and 1992. For '93, he expected an additional \$32,000. His total in-

surance premiums since buying the house in 1975: \$6,000.

Houston, according to a new study by the National Wildlife Federation, accounts for more than half of all the properties that are flooded and paid for over and over. It has "managed to host three '500-year floods' in the past three years," notes Michael Grunwald of Politico. Each one costs taxpayers large sums. Yet development in these precarious spots continues apace.

"Why are we writing flood insurance (policies) for new construction in flood zones?" asks Craig Fugate, who headed the Federal Emergency Management Agency in the Obama administration. "Think about it: If you're going to build a new structure in the flood zone, the private sector can insure it. And if they can't insure it, then why is the public subsidizing the risk?"

It's a big subsidy. Thanks to past storms, the flood insurance program has a \$25 billion deficit. The Congressional Budget Office found that coastal counties at risk from tropical storms make up just 10 percent of all the counties with federal flood insurance policies—but generate 75 percent of the claims and most of the deficit.

So why is the public subsidizing the risk in these places? Because the people living there, the politicians they elect, the businesses they patronize and various interest groups (such as homebuilders and the real estate industry) have strong stakes in preserving this program. They've been able to prevent the sort of reforms needed to make it actuarially sounder and closer to self-sustaining.

In 2012, Congress passed a modest package of sensible changes that would have raised costs to the flood-prone. But two years later, feeling the political heat, lawmakers backtracked.

Homeowners located in areas that are expected to flood every 100 years are required to buy flood insurance if they want federally insured mortgages. But they pay rates far lower than the risks warrant.

That gap deprives builders of incentives to stay out of low-lying areas that are vulnerable to flooding—or to elevate structures to keep them dry when the waters rise. It also promotes the destruction of wetlands that could reduce flooding. Oh, and it helps to tilt migration toward vulnerable coastal regions like those of Texas and Florida.

Ms. MAXINE WATERS of California.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. AL GREEN), the ranking member of the Oversight and Investigations Subcommittee on the Financial Services Committee.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the ranking member, and I thank the chair of the committee as well.

Mr. Speaker, I am opposed to the legislation. I am opposed to it because it does not give hardworking Americans the same consideration that we will accord persons who are making billions and we will accord corporations.

Corporations are going to get great tax cuts, billionaires are going to get tax cuts. We will eliminate the estate tax, we will eliminate the AMT for billionaires, but we are not going to give hardworking Americans the opportunity to get the relief that they need with reference to the \$20 billion worth of debt that the NFIP currently has.

If we don't eliminate that debt now, premiums will go up on hardworking

Americans. Hardworking Americans won't be able to afford premiums, and many of them won't be able to afford homes. This is not the way to treat people who work hard and pay their taxes.

If we can give tax breaks to corporations and billionaires, we can afford to reduce this debt on the NFIP so that hardworking Americans can afford homes. It really is that simple.

Five years without another bill: this is our last chance. We can't pass this chance up so that we can take care of billionaires and corporations at the expense of hardworking Americans.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. EMMER), a hardworking member of the Financial Services Committee.

Mr. EMMER. Mr. Speaker, I rise in support of the 21st Century Flood Reform Act, which will reauthorize and reform our National Flood Insurance Program.

The NFIP provides important relief. Millions of Americans rely on this program to provide coverage when disaster strikes. The nearly 50-year-old NFIP program, however, is in desperate need of reform.

Today's legislation will not only reauthorize the program for 5 years, it will take steps to better align premium rates to risk, improve FEMA's mapping and appeals process, and begin to correct the way the NFIP manages what are known as repetitive loss properties.

Most importantly, H.R. 2874 lays the groundwork for a private flood insurance marketplace to take hold, which will improve the fiscal stability and solvency of the NFIP for future generations to come. This bill is a good start, but these reforms must continue to be built upon in the years ahead.

I am thankful for the hard work of Chairman HENSARLING, Housing and Insurance Subcommittee Chairman DUFFY, and the entire Financial Services Committee staff for working to get this bill to the floor today.

As many continue to rebuild their lives following the devastation of Harvey, Irma, Sandy, and others, we need a National Flood Insurance Program that stimulates choice and encourages proactive behaviors to better protect our citizens.

Mr. Speaker, again, this legislation is a good start. I encourage all of my colleagues to support this bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. CRIST), a leading voice on flood insurance and climate issues and a member of the Financial Services Committee.

Mr. CRIST. Mr. Speaker, I want to thank the ranking member for her leadership.

Mr. Speaker, I rise today in strong opposition to this bill. We must get flood insurance right, and that starts with affordability. If families can't afford insurance, they simply will not buy it.

In my home State of Florida, the number of NFIP policies has dropped 15 percent since 2012, when Congress started raising premiums. If you don't think the government should be involved in flood insurance, maybe that is good news, maybe that is the goal here, but not for the good of the taxpayer, when families who can't afford coverage must turn to FEMA after a disaster.

The bottom line is that unaffordable insurance will fail. This bill makes flood insurance less affordable, hiking premiums, surcharges, as well as fees. Beyond that, this bill would decrease access to coverage for vulnerable families, forcing them into a private market that does not exist.

Yes, we absolutely need 21st century flood reform. Our climate is changing, sea levels are rising, floods are getting worse, and sticking our heads in the sand will only make solutions that much more difficult.

This bill leaves behind the best reform ideas from both political parties, like better mapping, as well as mitigation.

Those who have lived through natural disasters know you can't stop the catastrophic force of Mother Nature, but you can prepare.

I urge my colleagues to reject this ideological exercise and put people over politics. Let us come together and pass real, sustainable reform for a strong, affordable National Flood Insurance Program.

Mr. Speaker, I include letters of opposition in the RECORD from the Pinellas County Board of County Commissioners and the City of Clearwater.

PINELLAS COUNTY,

BOARD OF COUNTY COMMISSIONERS,

*Clearwater, FL, November 8, 2017.*

Hon. CHARLIE CRIST,

*House of Representatives, Washington, DC.*

DEAR CHARLIE: On behalf of Pinellas County, Florida, we urge you to oppose the 21st Century Flood Reform Act, H.R. 2874. This bill, which is the compilation of the seven-bill package approved by the House Financial Services Committee this summer, is detrimental to Pinellas County residents and local governments. Despite the minor changes proposed in the amendment, the bill will increase costs for National Flood Insurance Program (NFIP) policyholders, create unfunded mandates by increasing regulatory burdens and responsibilities for local governments, and lead to fewer participants in the NFIP, which will undermine the integrity of the program. We strongly urge you to oppose the bill.

The bill would increase premiums on homes built prior to the first flood map by a minimum of 6.5% each year, with properties that have made two or more claims subject to even higher rate increases. In addition to this increase, all policy holders would be assessed new and increased fees and surcharges with some of these fees, such as the reserve fund fee, increasing each year. As these increased costs are passed on to policyholders, the bill acknowledges that an affordability assistance program is needed, however it delegates that authority to states and requires it to be financed through additional charges on the other policyholders in the state, creating an even greater financial burden. These increased costs along with the new re-

strictions in the bill on types of properties that can obtain coverage through the NFIP will undermine participation in the program, further destabilizing it. The bill does nothing to invest in new flood mapping and technology, which would result in more accurate maps and does not sufficiently invest in mitigation. We ask for your continued assistance in ensuring that this bill does not become law.

Additionally, we want to thank you for co-sponsoring H.R. 3285, the Sustainable, Affordable, Fair and Efficient (SAFE) NFIP Act. The legislation is significantly more consumer-friendly than the House Financial Services Committee approach. The SAFE NFIP Act includes provisions to limit premium rate increases, create means-tested mitigation and affordability provisions, expand the Increased Cost of Compliance program, develop accurate flood maps, and emphasize pre-disaster mitigation programs.

Again, thank you for your continued assistance in ensuring that legislative efforts detrimental to Pinellas County's over 130,000 policyholders are not enacted into law. We value your support and thank you for co-sponsoring H.R. 3285. Please do not hesitate to contact me if I can provide additional information or answer questions.

Sincerely,

JANET C. LONG,

*Chair, Pinellas County Commission.*

CITY OF CLEARWATER,

*Clearwater, FL, November 7, 2017.*

Hon. CHARLIE CRIST,

*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE CRIST: On behalf of the City of Clearwater, Florida, we urge you to oppose the 21st Century Flood Reform Act, H.R. 2874. This bill, which is the compilation of the seven-bill package approved by the House Financial Services Committee this summer, is detrimental to Clearwater residents and to Florida local governments. Despite the minor changes proposed in the amendment, the bill will increase costs for National Flood Insurance Program (NFIP) policyholders, create unfunded mandates by increasing regulatory burdens and responsibilities for local governments, and lead to fewer participants in the NFIP, which will undermine the integrity of the program. We strongly urge you to oppose the bill.

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Services Committee approach. The SAFE NFIP Act includes provisions to limit premium rate increases, create means-tested mitigation and affordability provisions, expand the Increased Cost of Compliance program, develop accurate flood maps, and emphasize pre-disaster mitigation programs.

Again, thank you for your continued assistance in ensuring that legislative efforts detrimental to Clearwater's over 11,000 policyholders are not enacted into law. We value your support and thank you for co-sponsoring H.R. 3285. Please do not hesitate to contact the city should you need additional information, and with warm, personal regards, I am

Sincerely,

GEORGE N. CRETEKOS.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ZELDIN), a member of the Financial Services Committee.

Mr. ZELDIN. Mr. Speaker, I rise in strong support of this legislation, which contains critical reforms that protect access to affordable insurance, improves the way policyholders are treated when filing a claim, and places the National Flood Insurance Program on the path towards fiscal solvency.

Included in this legislation is the bipartisan bill I introduced with Congresswoman CAROLYN MALONEY that provides a credit to NFIP policyholders who reduce their flood risk through mitigation. Homeowners who do the right thing and invest in mitigation activities deserve a strong return on their investment in the form of lower NFIP premiums.

On Long Island, where the coastal economy is our main economy, protecting life and property from flood damage is a top priority.

I look forward to working with all my colleagues in Congress to get this bill passed in the Senate and sent to the President's desk without delay.

I am proud to be a cosponsor of this essential legislation, grateful for Chairman HENSARLING's and Chairman DUFFY's leadership on this issue, and I urge all of my colleagues to vote "yes."

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. RICHMOND), the chair of the Congressional Black Caucus and a long time leader on flood insurance issues.

Mr. RICHMOND. Mr. Speaker, I want to thank Congresswoman WATERS, the ranking member. Oftentimes in this body, we talk about leadership. Leadership is what Congresswoman WATERS did after Hurricanes Katrina and Rita; but, more importantly, 4 years ago, when the threat of new flood policies were going to make people pay the cost of their home every 5 years, we were talking about paying 20 percent of the value of your home in flood insurance every year, she came down to Louisiana and met with Louisiana citizens. She didn't come to the urban areas, although she passed through, but she went to the rural areas, talked to middle-income families to figure out how flood insurance reform would hurt them.

What she found out is that it was going to cause more families to just turn in the keys to their house and give their homes back to the mortgage company or declare bankruptcy so that they can just get by.

This bill is a lot better than the bill that was in committee, and I want to thank the chairman and my colleagues from Louisiana, Mr. SCALISE and Mr. GRAVES, for making it a better bill. But when we are talking about homeowners, the most responsible people in society who have now purchased their piece of the American Dream, when you have people who played by the rules, bought the home of their dreams, you don't change the rules halfway to say: Hey, we know this was the rule when you bought the House, but now it has changed, and all of a sudden that \$500 in insurance you pay a month is now \$1,500.

That is not responsible, it is not fair, and we are picking on homeowners.

I would just say to my friends on the other side of the aisle that the bill is better, but it is not worthy of the American taxpayer or the American homeowner.

We keep talking about the private market. They are going to pick and choose where they want to insure, and then, all of a sudden, you are left with a high-risk pool, where homeowners who work every day are stuck with costs that they just can't afford.

I would simply say that this is something we really could do, in this atmosphere, in a bipartisan way, because it is the right thing to do.

With all the good things in the bill, the problems—the bad outweighs the good.

I would just remind my friends on the other side of the aisle, the community that you save may be your own.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the majority whip, who has a slightly different message.

Mr. SCALISE. Mr. Speaker, I thank my colleague from Texas, Chairman HENSARLING, for yielding.

Mr. Speaker, I rise in support of this bill that, really, if you look at what we are trying to achieve here, it is a few things, but the main two things are to give further reforms and protections to the taxpayers of this country while also making sure that we are protecting and giving certainty to the policyholders of the National Flood Insurance Program; the fact that this is a 5-year reauthorization; the fact that we were able to protect the grandfathering provisions that are so important to families who have played by the rules, and if the rules are going to change, it is not fair that you would hold something against somebody that was legal in the past; the fact that this bill has important reforms, like Ross-Castor.

We all talk about the fact that NFIP is the only place for most families to go that want to buy flood insurance. We need to develop a private market-

place, Mr. Speaker, and, frankly, for most families, it just doesn't exist. Those Ross-Castor provisions are so important to finally help jump start that process.

This program has had its own financial difficulties, and this bill helps strengthen the program, helps give some certainty, and, frankly, it gives some provisions in the bill that are going to make it better for families who rely on this program, and the taxpayers of this country, who help make sure that we have a stable economy.

It is important for homeownership, it is important that we maintain those provisions on grandfathering that were so important to our communities, and it is important that we pass this bill.

I am glad that the House is taking this action today.

Mr. Speaker, again, I commend Chairman HENSARLING and Congressman DUFFY for their hard work, and all the other Members who played such an important role in getting us to this point.

□ 1600

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. LOBIONDO), a senior member of the Transportation and Infrastructure Committee, and someone who has been working hard to try and have a bipartisan effort on this bill.

Mr. LOBIONDO. Mr. Speaker, I thank my colleagues, Ms. WATERS, Mr. HENSARLING, and Mr. DUFFY, for their work on this bill, and especially to my good friend, STEVE SCALISE.

I know there was an effort to do this the right way, but I rise in opposition for a couple of reasons. First, I am disappointed. I am disappointed because we, in this body, had an opportunity to have a bipartisan bill that would have probably generated more than 400 votes, that we would have had a big high-five moment, and we could have moved forward. The Senate would have taken it. The President would have taken it.

But now we have a situation that makes me angry—angry because we are picking winners and losers, angry because the misery index for some Members is more important than the misery index in my district or the Northeast.

Five years ago, we were about a month after Superstorm Sandy. We had political hand-to-hand combat to get what the rest of the Nation has gotten almost automatically with every natural disaster in the whole course of our Nation's history. But no, Superstorm Sandy, there had to be an offset. We barely got the help we needed.

This is all tied in together because we still have people suffering in New Jersey and New York and the Northeast from the aftermath of Sandy, and it is tied into this with Federal flood insurance. It is critically important.

And why should it be that the concerns of my district and the people who I represent have any less of an influence on what happens here?

I am angry, and I am disappointed that I have to fight with my own party on these issues. I am not at all sorry to stand up as strongly as I can for the constituents who deserve this—hard-working people who are trying to stay in their homes.

I know the program has problems. I know we have to do this in a different way, and we have had an opportunity to do it in a bipartisan way, where all of our constituents should have been helped, instead of picking winners and losers.

I am sick and tired of having to defend the people in my district and the people in the Northeast from policies that don't mean the right thing for us.

Please do the right thing; vote "no." Let's come back with a bill that makes sense.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LOUDERMILK), another respected member of our committee.

Mr. LOUDERMILK. Mr. Speaker, I also want to thank Chairman HENSARLING and Chairman DUFFY for their tireless work on this bill. They have labored endless hours to bring this bill to the floor, and we are very appreciative of that.

Mr. Speaker, the fact that we are here today shows that our legislative process is working and that we are doing the challenging work the American people sent us here to do, work that isn't always easy. Quite often, it is hard, but it is the right thing to do.

After months of hard work, the Financial Services Committee passed a package of bills in June to reform and reauthorize the National Flood Insurance Program.

Mr. Speaker, many of these bills in that package passed with unanimous support. You only have unanimous support with strong bipartisan support.

Now, after lengthy negotiations, we are taking up this compromise bill that will significantly improve the NFIP and protect America's taxpayers. The 21st Century Flood Reform Act will make major strides to grow the private flood insurance market and start to put the NFIP on a fiscally sustainable path.

This bill will also implement flood mapping improvements and increase transparency and disclosure so policyholders will know the true risk of floods at their property.

The bill also includes an amendment that I introduced with my good colleague and dear friend from Georgia, Representative DAVID SCOTT. The NFIP is far too complicated for policyholders, insurers, and mortgage lenders, so this amendment, which passed with unanimous support, calls for a GAO study on how the program may be simplified and streamlined.

The NFIP authorization expires on December 8, so I would urge my colleagues to join me in supporting this worthy program.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the

gentleman from New York (Mr. KING), a senior member of the Financial Services Committee who has worked a long time for bipartisanship on reauthorization of the National Flood Insurance Program.

Mr. KING of New York. Mr. Speaker, I thank the gentlewoman for yielding, and I appreciate her courtesy. I did ask my side for time. Unfortunately, they had no time available, so I thank the gentlewoman for coming to my rescue on this.

I feel very strongly about this, and I echo the comments of Mr. LOBIONDO. The premium increase here can have a devastating impact on my constituents. Without grandfathering, we would see premiums skyrocket. And when Mr. LOBIONDO and I tried to ameliorate this by suggesting a compromise by putting a \$5,000 cap on premiums, we were rejected.

When Mr. LOBIONDO talked about a bias against the Northeast, that bias continues today from Sandy. Louisiana, Texas, Florida, Puerto Rico all received tax relief following their storms. To this day, voters in my district have not received that tax relief; and Mr. LOBIONDO's district is the same.

So I am also tired of this regional bias. We, in the Northeast, get treated—whether it is on taxes, or whatever it is, we do not get a fair shake. Maybe they don't need our votes.

Well, you are not getting my vote today. I urge Members to vote in opposition.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. MACARTHUR), a very hardworking member of the Financial Services Committee.

Mr. MACARTHUR. Mr. Speaker, I also am from the Northeast, from New Jersey, and I rise in support of this bill today.

Five years ago, Superstorm Sandy devastated my district. Ocean County, my home, was the epicenter of that storm. You might remember the photographs of the iconic Jet Star roller coaster sitting in the ocean. That was my district.

Even today, I have thousands of constituents who are still out of their homes. Now, thousands more are experiencing the same thing because of Hurricanes Harvey, Irma, and Maria.

140 million Americans live in coastal counties, and the NFIP has done a lot to help with zoning standards, building standards, flood plain management standards. It hasn't been run perfectly, but this program is desperately needed by people in areas like mine.

The NFIP has fiscal issues, and this bill seeks to address them. It is the only Federal disaster program that actually collects money in advance of a disaster.

When I got on this committee a year ago, I set out on this issue to do four things: a long-term reauthorization, improve affordability, increase accountability, and enhance mitigation efforts.

This is a 5-year reauthorization. It reduces the mandatory annual cap on premium increases; it brings more accountability, including my language to forbid NFIP from hiring disbarred lawyers; and it doubles the mitigation coverage from \$30,000 to \$60,000.

I urge my colleagues to support this bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO), a senior member of the Committee on Financial Services and a strong progressive leader.

Mr. CAPUANO. Mr. Speaker, I don't even know if I need 2 minutes.

Look, this bill has some good things in it. Everybody admits that. It does. Like every bill I have ever voted on, there is some good, there is some bad. But this bill has more bad in it than good.

It has some good philosophy that I won't agree with the details. I agree we should do something about repetitive loss properties. I think everybody agrees with that, but not the draconian measures taken in this bill.

We all agree that we need to help make it a stable fiscal platform, but not what this bill does. That is the problem here. This is not a—I have seen worse bills. As a matter of fact, I have seen worse flood insurance bills, so this, I will have to admit, is an improvement over the last horrendous flood insurance bill. But it is not even close yet.

And the problem here, this is a missed opportunity. Flood insurance doesn't need to be partisan. It doesn't need to be based on philosophical purity. This is a necessity to many Americans, many middle class Americans, and there is no doubt, without winning or losing any votes at home, we could work this out if the majority wanted to. But you don't.

You don't want any Democratic votes. Apparently, you don't want all the Republican votes. Why? I don't know. Maybe lighting candles at the altar of certain philosophies.

When this bill—not if—when this bill fails in the Senate, you are going to find a lot of people over this side who continue to want to work with you to come up with a bill we can all embrace. I know that will happen, and I look forward to that day.

This bill isn't it, and everybody here knows it.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a senior Democrat and leader on environmental issues in the House.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time.

I have enjoyed listening to the debate back and forth. There is no area in Congress that I have spent more time on, over the course of the last 20 years, than dealing with flood insurance. I was the author of the last major piece with our former colleague, Doug Bereu-

ter. I agree with much of what was said on both sides.

There are remaining significant problems. Insurance is not priced properly. It is not that it is too expensive or it is too cheap, it is not priced properly. We have some winners and losers now, but too many people are subsidized by the majority.

We are not doing all that we can. The Federal Government ends up holding the bag for billions of dollars for unnecessary flood damage with storm after storm after storm; and, by the way, there are more on the way.

It doesn't have to be this way. Part of the problem is that because, inevitably, when we talk about reform, it costs money, and there are some people who end up paying more. It is easy not to update the maps. It is easy not to have people pay actuarial rates. It is easy not to force local governments to do their job and not allow building in harm's way.

I strongly agree that, in times past, low-income and minority people were subjected to real problems and more flooding than they should have been. But now is the time to try and pivot and do something about it.

Mr. Speaker, I include in the RECORD a list of groups that are supporting this legislation.

National Association of REALTORS® (NAR), National Association of Home Builders (NAHB), Property and Casualty Insurers Association of America (PCI), American Insurance Association (AIA), Reinsurance Association of America (RAA), Council of Insurance Agents and Brokers (CIAB), National Association of Federally-Insured Credit Unions (NAFCU), Financial Services Roundtable (FSR), Mortgage Bankers Association (MBA), American Land Title Association (ALTA), The SmarterSafer Coalition, National Wildlife Federation (NWF), National Multifamily Housing Council (NMHC), National Apartment Association (NAA), Community Mortgage Lenders of America (CMLA), Commercial Real Estate Finance Council (CREFC), Real Estate Services Providers Council, Inc. (RESPRO), The Real Estate Roundtable, Leading Builders of America, The Manufactured Housing Institute (MHI), Building Owners and Managers Association (BOMA) International.

The Realty Alliance, Habitat for Humanity, Institute of Real Estate Management (IREM), International Council of Shopping Centers (ICSC), Association of Bermuda Insurers and Reinsurers (ABIR), Wholesale & Specialty Insurance Association (WSIA), Small Business & Entrepreneurship Council (SBE Council), Conservatives for Responsible Stewardship (CRS), Coalition to Reduce Spending, American Consumer Institute, CCIM Institute, Council for Affordable and Rural Housing, NAOIP, The Commercial Real Estate Development Association, National Association of Real Estate Investment Trusts (Nareit), National Affordable Housing Management Association, National Association of Housing Cooperatives, National Leased Housing Association, Taxpayers for Common Sense, R Street Institute, National Taxpayers Union (NTU).

Mr. BLUMENAUER. Mr. Speaker, the list is an interesting collection. It includes environmental groups, consumer groups, housing advocates, businesses, fiscal watchdogs, and taxpayer

advocates. And all of them don't agree with every detail. Many of them would identify with some of the debates, but they agree that this bill is a step in the right direction, and we should use it.

What we vote on today—and I hope that it passes, I am going to vote for it—is not the last word. As it wends its way through the legislative process, if we all do our job of making it better, we can have that high-five moment that I think we all look forward to.

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

Mr. HENSARLING. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. DUFFY), the chairman of the Housing and Insurance Subcommittee, and the sponsor of the legislation, the 21st Century Flood Reform Act.

Mr. DUFFY. Mr. Speaker, I want to thank Chairman HENSARLING for all his good and relentless hard work on this bill. I appreciate his tenacity.

I want to thank Mr. BLUMENAUER for the comments that he just made. The two of us had not worked together on a lot of issues, but this is one we saw eye-to-eye, and, through flood, I think we have seen a lot of common ground and built a friendship together.

I actually promised I was going to wear a bike today, and I haven't kept my promise. Later today, I will wear that for Mr. BLUMENAUER.

But I want to talk about the debate we have had here today. This has been an effort at bipartisanship. On the Republican side, I have worked with Representatives GRAVES and SCALISE and ZELDIN and KING and LOBIONDO and MACARTHUR trying to bring in their concerns to this legislation.

On the Democrat side, I have worked with Mr. SCOTT; I have worked with Mrs. MALONEY, Ms. VELÁZQUEZ, all concerned about the Northeast and the Sandy reforms that were necessary to learn the lessons. We have included those reforms in this bill.

I sat down countless hours with the ranking member. She shared her phone number with me. She left me at the dance though, because before this thing was done, she walked away. We tried to get a bipartisan bill. We worked on this thing together; so to say something other than that is just not fair, it is not right. We have tried.

You might not like the end product, but we have gone a great distance to get a bill that everybody can agree on, and I think we are going to get that today.

□ 1615

I want to talk about a few things. We are \$25 billion in debt, a deficit of \$1.5 billion a year. This program is not sustainable. We have people who are building homes in harm's way. They get flooded multiple times.

The chairman and I saw a homeowner who was flooded three times in 10 years. One homeowner let his house burn because he had to go save his kids

who were getting swept away in floodwaters, and we rebuild those homes in the same location and risk the lives of firefighters and first responders to go save them. This policy is unacceptable and it is not compassionate.

I hear my friends across the aisle say: You are going to hurt homeowners. Their rates are going to skyrocket.

What? On average, for a year, the price of flood insurance, on average, will go up \$20, less than \$2 a month, and they are screaming bloody murder about that? And what do they get for it? I have a list of 30 things of great reform we get in this bill to help homeowners.

Yes, highly subsidized properties in a pre-FIRM space are going to pay a little more, a little higher escalator, but we spend a billion dollars on mitigation helping people flood-proof their homes, helping people get bought out of their home and get to higher ground so they don't have to live in a home that is continually flooded.

I don't know if you have lived in a flood home, but it ain't fun. It is horrible. Get them out. A billion dollars for that program.

We help communities with their mapping. We give them options to map, and we give them an appeals process in their mapping. Great reform, we set up a private market.

Now, you don't have to take the private market, but you have an option to get a private plan that might have a better rate than the government offers you. You have a choice—a choice, God forbid—a choice that gives you a better price.

By the way, when we get the private market in, we all float our risk to the private sector. When a disaster hits Texas or Florida, it is not just the taxpayers who bear all the burden. We have private companies in play. That is a great thing. This is a good bill. This is a bipartisan bill. Let's stand together and reform a program to help the homeowner and our national debt.

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

Mr. Speaker, let me say to my colleagues on the opposite side of the aisle, my chairmen, Mr. HENSARLING and Mr. DUFFY, we did work very hard to try and get a bipartisan bill.

As I negotiated with them, every time I reached an impasse, I thought about Sandy and how hard Democrats had to work to provide support for an area that should have gotten the support of everyone in the Congress of the United States. However, there was a demand from the opposite side of the aisle that it had to be paid for. We worked very hard to give them assistance, and they still have not been made whole.

Every time I reached an impasse, I thought about Louisiana and the work that I had done after Katrina and the visits that I have made there, the people that I got to know, and what I real-

ly have learned to understand about affordability.

Every time I reached an impasse, I thought about Florida, I thought about Texas and what has happened recently with these storms.

Having worked in this way and having been a coauthor of Biggert-Waters and having been the author of the Homeowner Flood Insurance Affordability Act, I think I know something about storms, something about the devastation that has been caused to families and communities, and I insist on affordability.

Mr. Speaker, as Democrats and some Republicans have made clear, this is a comprehensively bad bill that is harmful for families and businesses. In the wake of one of the most disastrous hurricane seasons in history, this bill would make flood insurance more expensive, less available, and less fair for millions of Americans.

I have repeatedly stated that affordability is my top priority, which is made worse by this bill. Even with the slight revisions that the chairman has made, coverage would still be less available, and cherry-picking by the private sector would be encouraged, putting the government on the hook for the riskiest of policies.

It is important to note that the biggest challenge to the National Flood Insurance Program is its massive debt, which the bill only addresses by charging hardworking Americans more for their flood insurance. That is just not fair.

We have comprehensive support for this bill from both the private sector and from our nonprofits. I don't know about any consumer organizations that support this bill, but I do know this. I know that I worked very hard to talk about mitigation and how I thought it could be a program that the locals could be involved in with the Federal Government. I know I worked very hard talking about the repetitive occurrences that the chairman was concerned about, but I also offered alternatives to what he is advocating.

I talked about outreach and education to them, about a buyout program that they may join with and accept voluntarily. I know that I tried everything that I could. I listened to Members from both sides of the aisle, and I know that we both wanted to have a comprehensive bill that was bipartisan.

Mr. Speaker, it is unfortunate that we end up with this bad bill. I ask for a "no" vote on this bill, and I yield back the balance of my time.

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

Mr. Speaker, there are a lot of horrific images from Hurricane Harvey. We should never forget them. We should look at this image and say: Never again.

Yet I hear from my colleagues: Let's preserve the status quo. Let's again subsidize people to live in harm's way.

I say no, Mr. Speaker. It is time to get these people out of these neighborhoods. Let's help them. That is why

this bill has more money for mitigation and relocation than has ever been in any flood insurance reform bill.

I hear my ranking member say that she cares about affordability. Then let's give people options.

I hear from people who say: NFIP would have cost me \$2,700 a year, but I was able to find private coverage for \$718.

Here is another one: I have benefited from switching to private market flood insurance from FEMA. I save about \$1,000 a year.

Let's save money. Let's save premiums. Let's save lives. Let's vote "aye" on the 21st Century Flood Reform Act.

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

The SPEAKER pro tempore (Mr. YODER). All time for debate has expired.

Pursuant to House Resolution 616, the previous question is ordered on the bill, as amended.

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

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

#### MOTION TO RECOMMIT

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

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

Mr. PASCRELL. Mr. Speaker, in this form, yes.

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

The Clerk read as follows:

Mr. Pascrell moves to recommit the bill, H.R. 2874, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

#### TITLE VII—EFFECTIVE DATE

##### SEC. 701. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, each provision of this Act shall take effect on the later of the following:

(1) The first date by which both the Administrator of the Federal Emergency Management Agency and the Inspector General of the Federal Emergency Management Agency have, independently of each other, submitted written certification to the Congress and caused such certification to be printed in the Federal Register that final resolution has been reached on all claims for losses resulting from Hurricane Sandy of 2012 that were covered by flood insurance made available under the National Flood Insurance Program; or

(2) The date that such provision would otherwise take effect but for this section.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey is recognized for 5 minutes in support of his motion.

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

Mr. Speaker, this amendment would require the FEMA Administrator and the DHS inspector general to certify that all claims for victims of Superstorm Sandy are addressed before this bill takes effect.

Many in this Chamber should recall 5 years ago Superstorm Sandy caused widespread destruction throughout New Jersey and many States in the Northeast. Superstorm Sandy barreled up the East Coast, bringing death and destruction. Over 200 people in the United States and the Caribbean died, and the storm caused more than \$71 billion in damage. Sandy swamped coastline communities. It knocked out power for millions of people and businesses, flooded public transit systems, and set neighborhoods ablaze.

Many Sandy victims have begun down the long road of recovery, but 5 years later, many victims and communities are still waiting for relief. They are still struggling to rebuild their homes and their businesses. It took years for the hardest hit communities in my district, Little Ferry and Moonachie, to receive the relief to build key pieces of public infrastructure.

In New Jersey, over 1,200 property owners are still moving through the recovery programs. Approximately 900 are still not back in their homes. Of all Sandy victims, there are over 2,000 people still awaiting final review of their flood insurance claims.

After victims faced delay after delay to start the claims process with FEMA, they then struggled with insurance companies which were and continue to be a major source of strife for Sandy victims.

Many of the residents of New York and New Jersey saw insurers intentionally paying out too little on their claims, which in many cases was not enough to cover the cost of repairing the damage. We heard stories of insurance adjusters making significant errors on reports because they misunderstood technical definitions, underestimated the extent of the damage done, or intentionally misrepresented the cause of the damage.

This is all documented.

The problems were so significant, we had to force FEMA to reopen the claims process for thousands of homeowners. Some ended up getting additional money. I have heard from many who say that it is still not enough to cover their recovery costs.

Mr. Speaker, on the heels of Hurricanes Harvey and Maria, we are now tasked with reauthorizing the National Flood Insurance Program. To ensure these victims do not face the same troubles as those in my State, we need to apply the lessons we learned from Superstorm Sandy in this reauthorization. Tragically, this bill does not.

We should not allow companies who profited off Superstorm Sandy victims while committing widespread fraud and failing to meet their basic obligations under the National Flood Insurance Program to sell their own flood insurance.

We should not reauthorize the program without reforming the claims process to ensure technical definitions of "earth movement," "basement," and "mold damage" do not cause delay for victims receiving their fair share.

This bill should ensure that victims have the time they need to file an appeal and require FEMA to respond so victims are able to move the claims process forward.

I submitted several amendments to the Rules Committee with my colleague Representative FRANK PALLONE of New Jersey to address these issues and the lessons we learned from Sandy. We were denied a vote.

At the very least, Mr. Speaker, we must ensure that FEMA certifies that all victims from Superstorm Sandy have had action taken on their case before we make more changes to the National Flood Insurance Program. That is what a vote in favor of this recommit would do. Simply put, it would delay the implementation of the bill until the FEMA Administrator and the DHS inspector general certified that all claims for Superstorm Sandy have been addressed.

In order to support Superstorm Sandy victims, I encourage my colleagues to vote in support of this recommit, because a "no" vote is a vote against the victims of Superstorm Sandy, no doubt about it, who, for 5 years have still not been made whole.

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

Mr. HENSARLING. Mr. Speaker, I claim the time in opposition.

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

Mr. HENSARLING. Mr. Speaker, first, I have some good news for my friend on the other side of the aisle. I would have him pay very careful attention to title VI of the 21st Century Flood Reform Act. It has everything to do with the whole Sandy appeals process. We have 25 pages of reforms dealing with what the gentleman was describing, including Section 601, Penalties for Fraud and False Statements in the National Flood Insurance Program.

And, indeed, after Sandy, many of the policyholders were wronged and there was much that we learned from that experience, and we tried to listen very carefully to a number of our colleagues from New Jersey and New York and, indeed, took many of the provisions which they have suggested.

□ 1630

The gentleman from New Jersey, indeed, has some very legitimate issues and concerns. Many of them, I hope and trust, have been addressed in this



bill. It is not too late. I would urge the gentleman to look at that title IV of the bill and perhaps he would be encouraged to support it.

Otherwise, Mr. Speaker, I must urge rejection of the motion to recommit because, as you heard from the gentleman from New Jersey, he says it is all about delay. We can't delay getting people out of harm's way. We can't delay getting people out of neighborhoods that have flooded four, five, six, seven times in the last 8 years.

For those who can't afford flood insurance, we can't delay getting them market alternatives, where, in the 2 percent of the market that exists today, particularly in Pennsylvania, there are people that are not just saving hundreds of dollars, Mr. Speaker, but even thousands of dollars. We can't delay.

We know that this is a program that is unsustainable. It is a bankrupt program that is being funded, regrettably, by a bankrupt nation. Taxpayers are on the hook for \$1.2 trillion and an annual deficit of \$1.5 billion of actuarial deficit a year.

This thing isn't just broke, Mr. Speaker, it is bailout broke. We can't delay. We can't delay trying to put this back on a path of sustainability so the next time we have a serious storm or superstorm, we want there to be funds available to actually pay claims.

So, no, Mr. Speaker, we cannot delay. We cannot delay, and we cannot continue to do what we have done in the past in these repetitive loss areas and have our hands unclean by putting people back in the exact same neighborhoods that haven't just caused the loss of their property, but one day may very well cost the loss of their lives. We cannot delay.

Mr. Speaker, I urge a rejection of the motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of the bill, if ordered; and

Adoption of the conference report to accompany H.R. 2810.

The vote was taken by electronic device, and there were—yeas 190, nays 236, not voting 7, as follows:

[Roll No. 629]

YEAS—190

Adams	Bass	Beyer
Aguilar	Beatty	Bishop (GA)
Barragán	Bera	Blumenauer

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

NAYS—236

Abraham	Cheney	Foxx
Aderholt	Coffman	Franks (AZ)
Allen	Cole	Frelinghuysen
Amash	Collins (GA)	Gaetz
Amodei	Collins (NY)	Gallagher
Arrington	Comer	Garrett
Babin	Comstock	Gianforte
Bacon	Conaway	Gibbs
Banks (IN)	Cook	Gohmert
Barletta	Costello (PA)	Goodlatte
Barr	Cramer	Gosar
Barton	Crawford	Gowdy
Bergman	Culberson	Granger
Biggs	Curbelo (FL)	Graves (GA)
Bilirakis	Curtis	Graves (LA)
Bishop (MI)	Davidson	Graves (MO)
Bishop (UT)	Davis, Rodney	Griffith
Black	Denham	Grothman
Blackburn	DeSantis	Guthrie
Blum	DesJarlais	Handel
Bost	Diaz-Balart	Harper
Brady (TX)	Donovan	Harris
Brat	Duffy	Hartzler
Brooks (AL)	Duncan (SC)	Hensarling
Brooks (IN)	Duncan (TN)	Herrera Beutler
Buchanan	Dunn	Hice, Jody B.
Buck	Emmer	Higgins (LA)
Bucshon	Estes (KS)	Hill
Budd	Farenthold	Holding
Burgess	Faso	Hollingsworth
Byrne	Ferguson	Hudson
Calvert	Fitzpatrick	Huizenga
Carter (GA)	Fleischmann	Hultgren
Carter (TX)	Flores	Hunter
Chabot	Fortenberry	Hurd

Issa	Messer	Sensenbrenner
Jenkins (KS)	Mitchell	Sessions
Jenkins (WV)	Moolenaar	Shimkus
Johnson (LA)	Mooney (WV)	Shuster
Johnson (OH)	Mullin	Simpson
Jones	Newhouse	Smith (MO)
Jordan	Noem	Smith (NE)
Joyce (OH)	Norman	Smith (NJ)
Katko	Nunes	Smith (TX)
Kelly (MS)	Olson	Snucker
Kelly (PA)	Palazzo	Stefanik
King (IA)	Palmer	Stewart
King (NY)	Paulsen	Stivers
Kinzinger	Pearce	Taylor
Knight	Perry	Tenney
Kustoff (TN)	Pittenger	Thompson (PA)
Labrador	Poe (TX)	Thornberry
LaHood	Poliquin	Tiberi
LaMalfa	Posey	Tipton
Lamborn	Ratcliffe	Trott
Lance	Reed	Turner
Latta	Reichert	Upton
Lewis (MN)	Renacci	Valadao
LoBiondo	Rice (SC)	Wagner
Long	Roby	Walberg
Loudermilk	Roe (TN)	Walden
Love	Rogers (AL)	Walker
Lucas	Rogers (KY)	Walorski
Luetkemeyer	Rohrabacher	Walters, Mimi
MacArthur	Rokita	Weber (TX)
Marchant	Rooney, Francis	Webster (FL)
Marino	Rooney, Thomas J.	Wenstrup
Marshall	Ros-Lehtinen	Westerman
Massie	Roskam	Williams
McCarthy	Ross	Wilson (SC)
McCaul	Rothfus	Wittman
McClintock	Rouzer	Womack
McHenry	Royce (CA)	Woodall
McKinley	Russell	Yoder
McMorris	Rutherford	Yoho
Rodgers	Sanford	Young (AK)
McSally	Scalise	Young (IA)
Meadows	Schweikert	Zeldin
Meehan	Scott, Austin	

NOT VOTING—7

Bridenstine	Maloney, J.	Pelosi
Dent	Carolyn B.	Pocan
Johnson, Sam	McGovern	

□ 1656

Mrs. HANDEL, Messrs. LEWIS of Minnesota, JORDAN, BERGMAN, and Mrs. BLACK changed their vote from “yea” to “nay.”

Mr. CARBAJAL, Ms. SINEMA, Messrs. EVANS, DAVID SCOTT of Georgia, Ms. MOORE, Mr. MCNERNEY, Ms. MATSUI, and Mr. AL GREEN of Texas changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 237, nays 189, not voting 7, as follows:

[Roll No. 630]

YEAS—237

Aderholt	Barton	Blumenauer
Allen	Bergman	Bost
Amodei	Biggs	Brady (TX)
Arrington	Bilirakis	Brat
Babin	Bishop (MI)	Brooks (AL)
Bacon	Bishop (UT)	Brooks (IN)
Banks (IN)	Black	Buchanan
Barletta	Blackburn	Buck
Barr	Blum	Bucshon

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

NOT VOTING—7

□ 1703

Mr. MARSHALL 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.

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

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report 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, 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 conference report.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 70, not voting 7, as follows:

[Roll No. 631]

YEAS—356

Abraham	Chu, Judy	Diaz-Balart	Abraham	Banks (IN)	Bilirakis
Adams	Ciicilline	Dingell	Adams	Barletta	Bishop (GA)
Aguilar	Clark (MA)	Donovan	Aderholt	Barr	Bishop (MI)
Amash	Clarke (NY)	Doyle, Michael F.	Agullar	Barton	Bishop (UT)
Barragán	Cleaver	Ellison	Allen	Beatty	Black
Bass	Clyburn	Engel	Amodei	Bera	Blackburn
Beatty	Cohen	Eshoo	Arrington	Bergman	Blum
Bera	Connolly	Espallat	Babin	Beyer	Blunt Rochester
Beyer	Conyers	Esty (CT)	Bacon	Biggs	Bost
Bishop (GA)	Costa	Evans			
Blunt Rochester	Courtney	Foster			
Bonamici	Crist	Frankel (FL)			
Boyle, Brendan F.	Crowley	Frelinghuysen			
Brady (PA)	Cuellar	Fudge			
Brown (MD)	Cummings	Gabbard			
Brownley (CA)	Curbelo (FL)	Gallego			
Bustos	Davis (CA)	Garamendi			
Butterfield	Davis, Danny	Gomez			
Capuano	DeFazio	Gonzalez (TX)			
Carbajal	DeGette	Gottheimer			
Cárdenas	Delaney	Graves (LA)			
Carson (IN)	DelBene	Green, Al			
Cartwright	Demings	Green, Gene			
Castor (FL)	DeSaulnier	Grijalva			
Castro (TX)	Deutch	Gutiérrez			

Thompson (PA)	Wagner	Westerman
Thornberry	Walberg	Williams
Tiberi	Walden	Wilson (FL)
Tipton	Walker	Wilson (SC)
Titus	Walorski	Wittman
Torres	Walters, Mimi	Womack
Trott	Walz	Woodall
Tsongas	Wasserman	Yoder
Turner	Schultz	Yoho
Upton	Waters, Maxine	Young (AK)
Valadao	Weber (TX)	Young (IA)
Veasey	Webster (FL)	Zeldin
Vela	Wenstrup	

## NAYS—70

Amash	Gabbard	Napolitano
Barragán	Garrett	Pallone
Bass	Gomez	Payne
Blumenauer	Griffith	Polis
Bonamici	Gutiérrez	Price (NC)
Capuano	Huffman	Raskin
Carson (IN)	Jayapal	Ruppersberger
Chu, Judy	Jeffries	Schakowsky
Clark (MA)	Johnson (GA)	Schrader
Clarke (NY)	Jones	Serrano
Cleaver	Kennedy	Sires
Cohen	Khanna	Slaughter
Conyers	Kildee	Speier
Crowley	Labrador	Swalwell (CA)
Davis, Danny	Lee	Takano
DeFazio	Levin	Thompson (CA)
DeGette	Lewis (GA)	Tonko
DeSaulnier	Lofgren	Vargas
Doyle, Michael	Lowenthal	Velázquez
F.	Lynch	Visclosky
Duncan (TN)	Massie	Watson Coleman
Ellison	Matsui	Welch
Eshoo	Moore	Yarmuth
Espallat	Nadler	

## NOT VOTING—7

Bridenstine	Johnson, Sam	Pocan
Dent	McGovern	
Grijalva	Pelosi	

## □ 1711

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall vote 631, I inadvertently pressed “nay” on the recording device. I intended to vote “yea.” On Agreeing to the Conference Report to the National Defense Authorization Act for Fiscal Year 2018.

## PERSONAL EXPLANATION

Mr. MCGOVERN. Mr. Speaker, I was unavoidably absent on Tuesday, November 14, 2017.

On rollcall Vote 626, the Motion on Ordering the Previous Question on the Rule, H. Res. 616, had I been present I would have voted “no.”

On rollcall Vote 627, passage of H. Res. 616, the rule for consideration of the Conference Report to Accompany H.R. 2810, had I been present I would have voted “no.”

On rollcall Vote 629, the Motion to Recommend H.R. 2874, had I been present I would have voted “yes.”

On rollcall Vote 630, final passage of H.R. 2874, the 21st Century Flood Reform Act, had I been present I would have voted “no.”

On rollcall Vote 631, agreeing to the Conference Report to Accompany H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, had I been present I would have voted “no.”

RECOGNIZING BASEBALL PLAYER  
JOSH REDDICK

(Mr. CARTER of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize World Series Champion Josh Reddick and all of his efforts to give back to his hometown in the First Congressional District of Georgia.

Baseball fans across America know Mr. Reddick as the Houston Astros’ right fielder. But to Rincon, Georgia, Mr. Reddick is a friend and a volunteer who works to improve every corner of his community. Namely, he founded the Josh Reddick Foundation with its most recent project to build an artificial turf baseball field designed specifically for children with special needs.

He donated \$1 million for the project, which will have smooth fields for wheelchairs, a dugout designed for easy access, first class stadium seating, a 10-foot by 36-foot scoreboard, and more. Groundbreaking for the field will begin on November 18.

I am proud that World Series Champion Josh Reddick is from the First Congressional District of Georgia, but I am even more proud to see how this fine young man is giving back to his community.

## □ 1715

SELL A TAX REFORM DREAM TO  
AMERICANS

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

Mrs. WATSON COLEMAN. Mr. Speaker, each day the President and congressional Republicans are trying to sell the American people a dream that will not become a reality.

In addition to running up the deficit, lining the pockets of the very wealthy, and eliminating critical deductions that New Jerseyans rely on, this tax scheme dismantles the ladder of opportunity that allows Americans to grow and thrive.

Eliminating the medical expense deduction will devastate households nationwide struggling to recover from high healthcare costs. Removing the student loan interest deduction will cost recent college graduates hundreds of dollars a year, significant to young Americans trying to get on their feet.

Our tax system works best when it is fair, responsible, and supportive of the true drivers of our economy: families, workers, and small businesses.

I refuse to let congressional Republicans try to sell America a dream that never will be reality, and definitely not on the backs of the most vulnerable.

CONGRATULATING WAYZATA  
CROSS COUNTRY

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

Mr. PAULSEN. Mr. Speaker, I offer my congratulations to the Wayzata

girls and boys cross country teams, who both won Minnesota State high school championships this season.

The Wayzata girls’ team was led by sophomore Emma Atkinson, who finished in third place overall at State. Three of their runners placed in the top 10, which helped them beat second-place Edina by 19 points. Dave Emmans, who was the 2014 Girls Cross Country Coach of the Year, did an outstanding job leading the Trojan girls’ team.

On the boys’ side, Wayzata senior Khalid Hussein, led the boys’ team to victory after coming in first place at State. Six of Wayzata’s runners placed in the top 25. This was the Trojans’ 10th State championship in 25 years, and Head Coach Mark Popp has now led the team to victory in two of the last three seasons coaching.

Mr. Speaker, cross country takes an immense amount of dedication, passion, and endurance, and it was evident that these Wayzata teams have worked so hard.

Congratulations to the runners, the coaches, and the families for their success this year of the Wayzata cross country boys and girls teams for becoming State champs.

## HONORING EVELYN MALZBERG

(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, yesterday I rose to honor our Nation’s public schools. Today I rise to honor Ms. Evelyn Malzberg, a lady who embodies the saying: “It is never too late to learn.”

After graduating high school in 1943, Ms. Malzberg thought about going to college, but Ms. Malzberg’s mom told her that no man would marry a woman smarter than he is. So Ms. Malzberg found success elsewhere. She married, raised a family, and had a career as a legal secretary.

Somewhere along the way, Ms. Malzberg concluded that she had made a mistake. She started taking college courses, one a semester. A few years ago, at the young age of 84, Ms. Malzberg graduated from New Jersey City University with a bachelor’s degree in creative writing.

I ask my colleagues to join me in celebrating Ms. Malzberg, a lady whose remarkable story proves how valuable the Nation’s public education system is to our people.

NDAA CONFERENCE REPORT  
PASSAGE

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

Mr. ALLEN. Mr. Speaker, I rise today to express my support for the conference report on the National Defense Authorization Act, which passed the House of Representatives today.

In a great bipartisan moment, the NDAA received overwhelming support to authorize almost \$700 billion in defense spending and set priorities for our military, including the largest pay raise for our troops in 8 years. The conference report kept funding important to Georgia's 12th District, included in the earlier versions of the FY18 NDAA, such as \$8 billion in funding for cyber operations and over \$85 million in new military construction to prepare for our cyber warriors at Fort Gordon, like new family housing and a new gate.

Ensuring that our soldiers, sailors, and airmen are equipped with the facilities and resources they need to fight the battles of today and tomorrow is crucial to our Nation's safety and security.

Days after celebrating one of the most important days of the year honoring our veterans, I am happy to say that, with the passage of H.R. 2810, we have provided for the common defense, supported our servicemembers, and worked to close the critical readiness gap.

#### TAX PLAN AND EDUCATION

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

Mr. LOWENTHAL. Mr. Speaker, my Republican colleagues tell me that this tax plan will grow the economy and make American workers more competitive, but, in reality, the plan would bankrupt our future. It threatens provisions that directly support our schools and our students. By eliminating the State and local tax deductions, it penalizes States and school districts that have chosen to invest in our young people.

In my home State of California, that threatens over \$750 in State funding per public school student each and every year. For Americans with student loan debt, this plan eliminates the student loan interest deduction.

In my district, over 21,000 people claim this deduction each year. As a former college professor, I know the sacrifices that many of our students have to make to pursue an education. This tax plan asks them to pay even more.

These priorities are out of sync. This is not tax reform that puts middle class families first. We can do better.

#### NEED A TAX CODE FOR THE 21ST CENTURY

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

Mrs. HANDEL. Mr. Speaker, the last time we had real tax reform in this country was 1986.

To achieve economic growth in the 21st century, we need a Tax Code designed for the 21st century. The status quo is simply not getting it done. It is not good enough.

The Tax Cuts and Jobs Act is a bold, transformative step that simplifies our Tax Code and reduces the tax burden on working Americans and middle-income families. This bill reduces the Federal tax rate for the majority of low- and middle-income Americans while doubling the standard deduction. More than 65 percent of filers in Georgia's Sixth Congressional District use that standard deduction.

What does it mean?

It means that a married couple will be able to pay not a dime of tax on their first \$24,000 of income every year.

The bill will also fuel economic growth and job creation. Small businesses will be at the lowest tax rate since World War II. The Tax Cuts and Jobs Act contains real tangible benefits for the majority of American taxpayers. I support this bill enthusiastically and I urge my colleagues to do the same.

#### NOT A TAX BILL FOR OUR TIME

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

Ms. JACKSON LEE. Mr. Speaker, this tax bill is not about the future. It is about our past. Millions of Americans, middle class families, will have increased taxes under this tax scam.

In fact, in the State of Texas, 230,000-plus Texans will pay an average of over \$6,000 more in taxes. That is a tax scam.

In addition, Mr. Speaker, this is not a futuristic tax bill. This is not a tax bill for our times. This is a tax bill that implodes higher education. For instance, it does not allow the deduction of student loans or interest payments on those loans or tuition or expenses, eliminating the opportunity for educational growth.

It eliminates the tax credit for research and innovation; again, stymieing the growth of the United States as it relates to research and innovation. Then to the large universities, the endowments that are used to help our students to build complexes to educate the best and the brightest are eliminated.

This is a tax scam. It is a tax scam on higher education. It is a tax scam on hardworking middle class Americans. It deserves a resounding "no" vote because we don't want to go back. We want to go toward the future.

#### PASSING TAX CUTS

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

Mr. BLUM. Mr. Speaker, the only time I hear some of my colleagues express their concern about the deficit is when this body is considering policies to let hardworking American families keep more of their hard-earned money.

This is not the government's money. It is the people's money. They earned

it. If tax revenues to the government are a concern, then certainly we should pass tax cuts.

After President Kennedy cut tax rates, revenues to the government increased from \$95 billion to \$280 billion. After President Reagan cut tax rates, revenues to the government increased from \$600 billion to \$1.35 trillion.

Furthermore, annual GDP growth rates increased into the 4 to 5 percent range following these tax cuts. We are going to witness this increase in economic growth again under President Trump with a tax bill this House will consider later this week.

As Ronald Reagan said: "We don't have a trillion-dollar debt because we haven't taxed enough. We have a trillion-dollar debt because we spend too much."

#### TAXES AND A BETTER DEAL

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the Republican tax reform bill coming to the floor this week raises serious questions about the impact that this legislation will have on middle class families, our ability to invest in our transportation infrastructure, and students' ability to attend college.

My hometown, Dallas, Texas, and every municipality in the region has written objections to how they are affected. For one, the GOP tax plan eliminates many tax deductions that are favorable to middle class Americans, such as the medical expense deduction and State and local income and sales tax deductions. These important deductions help middle class families lower their tax liability and put more money in their pockets for everyday needs of hardworking Americans.

The plan also looks to an estimated \$2.6 trillion stockpiled overseas for U.S. corporations. The plan seeks to allow repatriation of these funds for as little as 5 percent tax on brick-and-mortar assets, or 12 percent on cash kept overseas.

This was one of the same methods being considered to fund the major infrastructure bill that we are still waiting for, which raises concerns about how we will pay for our crumbling infrastructure.

Finally, the GOP tax plan also seeks to eliminate the student loan tax deduction. This is a troubling change to existing law, as it places an even heavier burden on our future generations and others seeking a college education. Every college and university in my region has complained.

All of these changes are proposed to the tune of an added \$1.7 trillion dollars to our deficit.

Mr. Speaker, I share the view with many of my colleagues that we are due for a major reform of our tax code. However, we must not do so at the expense of millions of middle and lower class Americans are already struggling to get by.

## CELEBRATING GOD'S WORD

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

Mr. ARRINGTON. Mr. Speaker, I rise to support 76 years of celebrating God's Word during National Bible Week. No other book has sold more copies or changed more lives than the Bible.

Abraham Lincoln said: "In regard for this great book, I have this to say, 'It is the best gift God has given to man. All that the good Savior gave to the world was communicated through this book.'"

May we always remember the impact the Bible has had on this country and on our democracy. May we govern according to its timeless precepts and principles, and may God bless these United States of America.

□ 1730

## GOP TAX SCAM BILL

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

Ms. JUDY CHU of California. Mr. Speaker, I rise in opposition to the GOP tax scam bill, H.R. 1, which, considering who it really helps, should be labeled "H.R. 1 percent."

As a member of the Ways and Means Committee, I offered amendments to ensure the middle class benefits, but Republicans rejected those proposals in order to give away tax cuts for corporate interests and the top 1 percent. Instead, H.R. 1 percent repeals the deductions for State and local taxes, raising taxes on California families who already pay more to the Federal Government than they receive back. In fact, the average middle class California family who owns a home will see an average tax increase of 26.4 percent, making California the hardest hit State in the country. It is outrageous.

The SALT deduction enables communities to fund important services that improve our quality of life, like law enforcement, infrastructure, and education. But repealing it forces constituents in my State to either accept higher taxes or a lower standard of living, all to pay for tax cuts for corporations and the wealthiest few.

Mr. Speaker, I urge my colleagues to vote "no" on the GOP tax scam.

## TAX REFORM

(Ms. MICHELLE LUJAN GRISHAM of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I would love to vote for a bipartisan tax reform that supports middle class families, ensures the wealthiest Americans pay their fair share, invests in the next generation, and protects small businesses.

However, I can't vote for legislation that would raise taxes for 13 million middle class households next year; or that would give the top 0.1 percent of Americans an average tax cut of over \$320,000 while raising taxes on 36 million families by 2027; or that would provide more tax benefit to the richest 1 percent than the lower 95 percent of Americans combined.

Saddling the next generation with \$1.7 trillion in debt while prioritizing millionaires and billionaires at the expense of everybody else is irresponsible and cruel.

Mr. Speaker, I could spend countless hours describing how this bill harms middle class families, students, the elderly, and businesses in my home State of New Mexico, but since I only have 1 minute to address the floor today, I will be back tomorrow to talk about how this bill devastates investment and job creation in the quickly growing renewable energy industry in my home State of New Mexico.

## TAX REFORM

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

Mr. GARAMENDI. Mr. Speaker, a moment ago, you heard from my colleague from California (Ms. JUDY CHU) about the tax bill. She put the first page of H.R. 1 up and she added this little percentage, H.R. 1 percent. I thought that was not only accurate, but it really does reflect what I was going to show a moment ago, and then I decided to use hers.

H.R. 1 is really about the 1 percent. The top 1 percent wealthy Americans would get 50 percent of a \$1.5 trillion gift from the American people, which really amounts to an enormous transfer of wealth from the working men and women of America who depend upon programs like education—and that was discussed by my colleagues a few moments ago—and depend upon medical services from Medicare, Medicaid. In California, we call it Medi-Cal.

But what is going to happen here with this \$1.5 trillion tax cut—and when you add the interest to it, basically, a \$2.3 trillion bogus deal that our Republican colleagues are putting forth—is what I call the Texas two-step. This really is Mr. BRADY from Texas' program to really do a two-step, together with the Speaker of the House, Mr. RYAN.

The two-step was laid out in the budget bill, and the two-step is this:

First, make a monumental tax cut that really is for the superwealthy. And then as soon as you get that signed by President Trump, you do the second step, which is to do massive cuts so that you can deal with the deficit.

So I am going to just bring up the issue of the deficit for just a moment

with this. I don't expect you to really look at all of these numbers, but this is the structural deficit that exists today: \$563 billion structural deficit. Every year—this year and in the past years—we are running a serious deficit: \$1.5 trillion. Ten years from now, it is going to be over a \$1 trillion-a-year structural deficit.

So what does H.R. 1, the 1 percent bill, do to you?

What it does is it adds to the structural deficit this year \$115 billion; and, in 2027, it will add \$155 billion.

You can look at it this way—and perhaps this is a little easier to understand. It is about the deficit, and this is why the two-step is going to happen.

By the way, all of the deficit hawks that once occupied that entire array on the right side of the congressional House of Representatives disappeared. They migrated. They migrated south or somewhere. But I will tell you this: as soon as this H.R. 1 percent passes, the deficit hawks will return with a mighty force to make cuts.

So here is what happens to the deficit: it starts down there—this is the annual, not the total deficit—and rises to this in 2027. This little orange across the top is what will be added. We don't deal with the deficit directly.

So here is the deal, folks: cut taxes now so that the superwealthy, five of which are in President Trump's administration—oh, yes, eliminate the estate tax. Great idea.

Do you know what that means to the Trump family?

If his wealth is \$10 billion, as he says, what it means is that somewhere around a \$4 billion tax avoidance. Eliminating the estate tax and the Trump family immediately saves \$4 billion. But maybe his net worth is really only \$4 billion. So maybe it is just a \$1 billion tax savings. That is just on the estate tax alone.

This is a bad deal for Americans. It will increase the deficit and it will create what we call the Texas two-step. Or maybe we should call it the Speaker RYAN two-step.

Mr. Speaker, let me introduce a couple of my colleagues who have joined us today from the State of New York.

Mr. Speaker, I yield to the gentleman from New York (Mr. SUOZZI) to comment on this piece of legislation and what it means to his constituents.

Mr. SUOZZI. Mr. Speaker, I thank Mr. GARAMENDI for bringing this Special Order to the floor today.

Mr. Speaker, I am here to point out the unfairness of the Republican-led bill for tax reform, as they claim, that would be devastating to New York's middle class families.

I want the people at home to know that the U.S. Conference of Catholic Bishops have said:

"This proposal appears to be the first Federal income tax modification in American history that will raise income taxes on the working poor while simultaneously providing a large tax cut to the wealthy."

Mr. Speaker, this bill is flawed and unfair on many levels. One thing I have learned since taking office back in January, here in this Congress, is how very different the regions of this country are. It is different from State to State and it is different from place to place. The amount of money that people make in different regions is different. Their cost of living is different, their property tax bills are different, and their State income taxes are as different as night and day.

There are now 105 million full-time jobs in the United States of America. Fifty-nine million of those jobs pay less than \$50,000 a year. Eighty-six million of those 105 million full-time jobs pay less than \$75,000 per year. In my district, the average salary is actually higher than that, but so are their property taxes, so are their income taxes, and so is there cost of living.

While this bill could be a net positive for some Americans in many regions—in my region and in many other regions, and in my State and my district specifically—this bill is a huge net negative for middle class families.

One particularly devastating element of this proposal is the elimination of the State and local tax deduction that would be patently unfair to the over 250,000 hardworking families in my district that rely on that important deduction. New Yorkers claim the State tax deduction more than just about any other State. In my district, we have more people in the State than any other place that claim the State and local tax deduction. It is the top 10 of the Nation.

Let's look at the some of the specifics of what actually happens in my district:

People making between \$50,000 and \$75,000 in my hometown of Glen Cove will see a 39 percent tax increase. In my hometown of Glen Cove, a family that makes between \$100,000 and \$200,000 will pay, roughly, \$2,100 more in taxes under this plan.

In Huntington, every single family making over \$50,000 a year will see a tax increase. Every family in Huntington making between \$50,000 and \$75,000 a year will see—get this—a 135 percent increase on what they currently pay. Every family making between \$100,000 and \$200,000 a year will see a \$3,000 tax increase.

In Whitestone, every individual tax filer making \$50,000 or more will see a tax increase, regardless of their income.

Mr. Speaker, the evidence is crystal clear for people in my district and in many places throughout this country.

This tax reform plan, as it is called, is a punch in the gut to middle class taxpayers. These are hardworking people who deserve to be lifted up, not slapped down, by draconian tax increases that offset tax cuts going to the superrich.

How could anyone support a bill that targets our middle class in such a way is unfathomable. When I was elected to

Congress, I came here ready and willing to work—and I still stand ready and willing to work—across party lines to get things done, even tax reform. I want to see tax reform in this country, but I can't compromise my values. I can't let down the families in my district who are going to be hurt by this plan.

Mr. Speaker, I urge my colleagues on both sides of the aisle to try to do what is right: protect the hardworking Americans—the hardworking New Yorkers—who play by the rules and ask for very little in return by voting against this ill-conceived legislation, and protect the State and local tax deduction for our middle class.

Mr. GARAMENDI. Mr. Speaker, I thank Mr. SUOZZI for his remarks. I appreciate him bringing to my attention the SALT—the State and local tax.

What basically happens is the Republicans are putting salt on the wound and causing an enormous amount of pain for Americans—certainly in California, another high-cost State; Illinois; New Jersey; and Massachusetts. This is a problem for about 50 percent of the population of this Nation that is going to see enormous things.

In my own State, there are 120,000—not 250,000, as in the gentleman's State, but 120,000—who are looking at somewhere over a \$12,000 loss deduction.

Mr. SUOZZI. Will the gentleman yield?

Mr. GARAMENDI. Mr. Speaker, I yield to the gentleman from New York.

Mr. SUOZZI. Mr. Speaker, I just want to point out that in the State of New York, there are many Republicans who have come out against this tax bill because of the fact that it will hurt so many middle class families.

□ 1745

Eliminating the State and local tax deduction is completely and patently unfair. This State and local tax deduction has been in place for over 100 years. Why should someone pay taxes on taxes they have already paid to their State and local governments?

Mr. GARAMENDI. Mr. Speaker, there is one additional factor—I know this is the case in California and also in New York—and that is both New York and California are net contributors to other States. In our State of California, even with this deduction, far more tax revenue flows to the Federal Government than Federal Government revenue comes back to the State of California. It is probably in the 15 to 20 percent net loss range to the State of California, and I think in New York it is similar.

Mr. SUOZZI. Mr. Speaker, I just wanted to point out, in the State of New York, we send \$48 billion a year more to the Federal Government than we get back from the Federal Government. We are the largest net donor in America to the Federal Government.

We are contributing this money to subsidize many programs that our colleagues don't want to support, but we

are also supporting their States. Many of the blue States in America, quite frankly, are huge net donors to the Federal Government, and many of the red States are huge net takers from the Federal Government. This is just another slap in the face to States like ours.

Mr. GARAMENDI. Mr. Speaker, Mr. SUOZZI and I could probably spend a couple of hours going back and forth.

Mr. Speaker, I yield to the gentleman from Washington (Ms. JAYAPAL), who comes from the far side of the continent from New York, Washington State.

Ms. JAYAPAL. Mr. Speaker, I thank the gentleman from California (Mr. GARAMENDI) for yielding, but also, most of all, for his leadership on so many critical issues around jobs and infrastructure and, of course, for pulling together this Special Order hour tonight on this very important subject, because I think that the American people should understand that Republicans in Congress are trying to literally rewrite the U.S. economy with no hearings. There were a couple of markups, but those are not hearings.

We only just have been receiving some of the information about what is even in the bill to be able to then see what the effects are. The reality is that we owe it to the American people to share how this bill will affect their wallets, their housing, their education, their healthcare.

Contrary to what the majority would have you believe, this tax bill is yet another vehicle for Republicans to raise taxes on millions of middle class families and reward the wealthiest and the largest corporations by handing them trillions of dollars worth of taxes.

I think that Democrats certainly would love to see, as my colleague said, real tax reform; by that, I mean tax reform that benefits the middle class and tax reform that would allow us dollars to invest in jobs, in infrastructure, in education, in healthcare.

The twist this time that I find interesting is that the Republican majority has mysteriously jettisoned its dogmatic fidelity to reducing deficits because—make no mistake about it—however you slice it, this Republican tax bill will explode the budget deficits.

Mr. Speaker, Representative GARAMENDI talked about the two-step earlier, and that is right. We are all going to be dancing a two-step, because what the Congressional Budget Office literally just released is an analysis that said that this tax bill will lead to an immediate \$25 billion cut in Medicare.

This bill has many provisions in it. We have been talking about the State and local tax deduction elimination, and that is very important to my home State of Washington. We have about 800,000 people who are able to utilize that deduction and were able to reduce their tax liability by more than \$2,600 in Republican and Democratic districts



across our State. This deduction is significant to our communities because, really, it guards against double taxation.

The Fraternal Order of Police just came out against what I am calling the Republican tax scam and the SALT deduction elimination in particular, the State and local tax deduction elimination.

Why did the Fraternal Order of Police come out against this?

They came out against this because they understand the two-step that we are going to be dancing. They know that this tax bill and those kinds of deductions are ultimately going to lead to, and this is their words: endangering the ability to fund these essential law enforcement agencies that actually keep our communities safe.

Another crucial mistake that the Republican tax bill makes is eliminating tax-exempt bonds. For folks who are out there who are listening, the way to think about this is, if you have an affordable housing problem in your community, if you have a shortage of housing, which is happening across the country, then these tax-exempt bonds are the way that we help encourage and leverage local and State dollars for affordable housing, with these tax-exempt bonds. They advance, also, vital transportation projects, and they support infrastructure projects and hospitals and colleges and charities.

For example, in my district, Seattle Pacific University has been able to use these private activity bonds to finance nearly \$42 million in construction and renovations to the library and to the school of law. Similarly, the University of Washington Medical Center has been able to use these bonds to finance critical medical research that has been beneficial across the country.

In eliminating several education-related tax deductions, the Republican tax bill is also cutting off valuable paths forward for students of all ages to not only improve their lives, but also to join a workforce that depends on 21st century skills.

Mr. Speaker, I know that Mr. GARAMENDI spent a lot of time on this, but repealing the student loan interest deduction is in this bill.

Let me just remind people that we have \$1.4 trillion in student loan debt across the country. That is actually more than credit card debt in this country.

This bill, in order to get tax cuts to the largest corporations and wealthiest 1 percent of individuals, would repeal that interest deduction for student loans. In Washington State, that would harm more than 275,000 taxpayers who claim that benefit, and it would raise their yearly taxes by more than \$1,000 a year, on average.

This bill also hurts our responsible employers who provide tuition assistance to help workers continue their studies at associate's or undergraduate or graduate levels. Tens of thousands of students in Washington State have

benefited from this deduction, and that is true across the country. Nationwide, it is estimated that 70 percent of all companies offer tuition assistance.

There is another provision in this bill that everyone should be concerned with, and that is eliminating the medical expense deduction. That deduction basically says that, if you are suffering from a long-term, very expensive disease, if you have somebody in a nursing home and you have to pay for expensive long-term care for people, or maybe somebody who has cancer, that you can deduct medical expenses for those kinds of illnesses. This bill says: No more.

Once again, repealing the estate tax, which benefits 5,400 of the wealthiest families in this country, in order to provide that tax benefit, we are actually going to take away this critical tax deduction from regular working families around medical expenses.

Finally, Mr. Speaker, the Republican tax bill repeals the new markets tax credit, which, again, was created, really, to incentivize investment in low-income and rural areas. That tax credit is responsible for creating more than 12,000 construction jobs and an additional 11,500 jobs in related industries across my State, just as an example. It is extremely shortsighted to repeal that, especially for an administration and a party that says that they care about investing in jobs and infrastructure.

We haven't seen any package for jobs and infrastructure. I am not sure if you have, but I certainly haven't.

The reality is that this bill, because of this two-step that Mr. GARAMENDI described, which I will just remind people what that is: the transfer of trillions of dollars in wealth from the middle class to the largest corporations and the top 1 percent, and then through exploding the deficit, which this bill does, suddenly triggering automatic cuts as well as a rationale for cutting more from Medicare, from healthcare, from education, from transportation. That is what we are looking at.

The early word on the Senate Republican tax bill seems to be just as bad, because I just heard before coming onto the floor that Senate Republicans are now saying that, once again, they are going to try to strip healthcare from Americans by including a repeal of the Affordable Care Act individual mandate.

My State knows exactly what happened because we had a situation like that about a decade ago, and we had to dig our way out of that. What it meant was that, essentially, healthcare became way too expensive for everybody. There were too many people who were not buying healthcare, so you were stuck with all the people who needed healthcare, who were very sick. It exploded costs and, literally, Americans across the country ended up suffering because of that.

They weren't able to get rid of healthcare. Three times we have beat-

en that back. The American people, Republicans and Democrats in urban and rural districts across the country, said: No. We want our healthcare. Do not take our healthcare away from us.

Once again, the Republicans plan to incorporate this provision and try to once again strip healthcare.

Mr. Speaker, insanity is said to be doing the same thing over and over again and expecting a different result. I really fear for the threshold that we are crossing. I fear for our economy; I fear for our middle class families; I fear for our low-income families; and I fear for the future of this country and for the future of our children, because the reality is what we should be doing, if we were going to raise money through taxing people more, is we should be investing that money into infrastructure, jobs, healthcare.

Not only are we not cutting the taxes for people who need it the most, but we are increasing their taxes to give a tax break to the wealthiest, and we are destroying all of the investments that we need to make into the U.S. economy and into our communities and into our middle class families.

This is an incredibly important issue. I don't think people realize that the Republicans are trying to push through a vote on this bill as early as this Thursday.

I really believe that there are some Republicans across the aisle who have come out already and said that this is not a bill that helps our families, that helps our middle class families and our communities. They have been courageous to say that.

Mr. Speaker, I want to thank them for doing that, and I want to urge other Republican colleagues across the aisle to do the same thing so that we can protect the livelihoods of our children and our families into the future.

Mr. Speaker, I thank Representative GARAMENDI so much for his leadership and for his constant speaking out on the need to invest in infrastructure and jobs.

Mr. GARAMENDI. Mr. Speaker, I thank the gentlewoman very much, Representative JAYAPAL, for her comments. She brought to our attention the inconsistencies that are in this piece of legislation.

Everywhere I go and people talk about this, they say: I don't understand why they want to do that. I don't understand why, with a growing economy and the economy actually moving along pretty well, 4 percent-plus unemployment and growth somewhere in the 3 percent range, why they want to totally turn the American economy upside down in a way that does not create growth.

Mr. Speaker, I yield to the gentleman from New York (Mr. NADLER), bouncing back across the continent and picking up, once again, in New York. I thank the gentleman for joining me, and I look forward to his words and the wisdom that he brings from Manhattan.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding, and I thank

him for organizing this Special Order on this terrible Republican tax scam.

This scam is a desperate, disgraceful attempt to line the pockets of the wealthiest Americans and corporations at the expense of the middle class.

And for what?

We are told the corporate and upper income tax cuts will result in more investment, in greater economic growth, which will yield more jobs and more revenue for the country and higher wages for the middle class, but that is bull.

They have run this scam twice before. Ronald Reagan passed similar upper class tax cuts and told us they would generate such economic growth that they would pay for themselves. George W. Bush pulled the same scheme.

What happened?

President Reagan's cuts sent the national debt—the national debt accumulated from George Washington through Jimmy Carter, which was a little less than \$800 billion in 1980—from \$800 billion to \$4.3 trillion 12 years later, quintupled.

President Bush's tax cuts turned the projected 10-year, \$5.65 trillion surplus—remember at the end of the Clinton administration, we were having surpluses, and the projected surplus over 10 years was \$5.65 trillion. His tax cuts turned that, in 8 years, into \$10.63 trillion debt.

□ 1800

It turned a \$5.6 trillion surplus into a \$10.6 trillion debt. So the argument that these kinds of tax cuts for the upper-income people and for corporations generate greater economic growth to generate more tax revenues has been tried twice, not to mention in Kansas, recently. It doesn't work.

There is nothing in this bill to argue that this tax scam will have a different impact on the economy than Reagan's or Bush's. In fact, this scam is so skewed toward the rich and corporations, it could actually be worse.

The bill would eliminate the alternative minimum tax. To put it in perspective, in 2005, the only year for which we have at least the summary pages of Donald Trump's tax returns, in that year, Donald Trump paid \$38 million in taxes. Of that, \$31 million was the alternative minimum tax.

The Republicans want to eliminate the only tax that we actually know that Donald Trump has ever paid. His taxes would have been \$5 million, not \$38 million, if it weren't for the alternative minimum tax. Of course, he wants to eliminate it.

Republicans will repeal the estate tax, despite the fact that the estate tax is paid by only the wealthiest 5,000 estates in the country every year—two-thousandths of 1 percent.

Wealthy Americans would also see immediate personal benefits from cuts to corporate taxes. This bill immediately and permanently cuts the corporate tax rate to 20 percent from 35

percent. It also cuts the rates for pass-through corporations from 39 to 25 percent.

Once again, Republicans claim this will help small businesses, but it simply isn't true. These pass-through corporations are extremely wealthy partnerships and private companies. If you need a good example, I have a great one just outside my district; it is called the Trump Organization, which is organized as a pass-through corporation.

Now, they tell us that middle-income businessmen will profit by this, but middle-income businessmen are not paying more than 25 percent to start with, so this will only benefit the rich, again.

But while billionaires and corporations will enjoy all these benefits, the Republican bill hands working families ticking time bombs. Unlike the corporate tax changes, which are permanent and indexed to inflation, every benefit in the Republican tax scam for the middle class sunsets after 5 years or is indexed to a slower rate of inflation.

Speaker RYAN brags about a family earning \$59,000 a year getting a \$1,500 break in their tax burden next year. Well, even in his example, by 2023, that family is right back where they started; and by 2027, they will be paying \$500 more than they were this year.

This bill wipes out nearly every deduction and credit that helps working families make ends meet—the deduction of State and local income taxes, which hundreds of thousands of middle-income New Yorkers rely on each year.

When the income tax was first enacted to finance the Civil War, and when it was re-imposed to finance World War I—and we have had it since then—we have always had a deduction for State and local taxes. Why? Because you shouldn't be taxed on a tax. You shouldn't be taxed doubly. It is unfair. But now we will be.

The medical expense deduction, which families use to pay for everything from fertility treatments to nursing home care, this deduction says: If you are a middle-income family, and your out-of-pocket expenses, beyond your insurance, if you have insurance, beyond your Medicare, if you are a senior citizen, total more than 10 percent of your total gross income, you can deduct your medical expenses to the extent it exceeds 10 percent of your total gross income.

So it has got to be large. If your income is \$75,000 a year, you can only deduct the medical expenses that exceed \$7,500, not the first \$7,500. This will be gone, too.

Now, if you have got parents in nursing homes, you depend on this. If you have got a child with cerebral palsy—God forbid—if you have got a kid with cancer, you depend on this, but it is going to be gone.

The student loan interest deduction will be gone. So people go to school, they go to college, they come out with these terrible, huge debts. They have

to repay the student loans. At least they can deduct the interest on the student loans. Not anymore.

The adoption tax credit, child care spending accounts, even deductions for teachers who buy school supplies for their classrooms, all gone. And why? To pay for tax breaks for billionaires and corporations.

But, as has been pointed out, under this scam, corporations keep these deductions for their income. They keep the State and local tax deduction, but individuals don't.

How can Republicans claim this bill helps the average American when families are denied the deductions that corporations get to keep?

If this bill is so blatantly harmful to working families, why are my Republican colleagues so crazy about it?

Does it create jobs or give the economy a boost? No. As I said, we have tried that twice before with disastrous results. Kansas, Brownbackistan as they call it, after Governor Brownback tried that, with disastrous results, so that the Republican legislature had to increase taxes earlier this year, over the Governor's veto, to start getting out from 4-day school weeks.

Under this plan, Republicans would tax companies less when they produce goods overseas than when they produce them here in the U.S. It is a giant incentive to large corporations to send jobs overseas.

And if you ever doubted the Republicans were doing this at the bidding of corporate donors, well, just last week, Chairman BRADY, of the Ways and Means Committee, tweaked an excise tax multinational corporations opposed and gave those corporations back \$100 billion in revenue. No such change was made for working families.

Now, we know—we know from experience—that a few years from now the Republicans will use the \$1.7 trillion deficit this scam creates to say: Oh, my God. Look at this massive deficit. We have to make terrible cuts to Social Security, to Medicare, to education, to infrastructure, not that we want to. We love Medicare. We love Social Security, but we have got to savage them in order to pay for these terrible deficits which we created.

That is what they are building in now. That is what this tax bill is designed to produce.

The Republicans are scamming America. They are offering a facade of lower taxes that most Americans will never see, in exchange for massive and permanent tax breaks for the wealthy and corporations, and guaranteed cuts down the road, in fact, some of them right away, to Social Security, Medicare, Medicaid, education, infrastructure.

I do not accept that deal, and the American people shouldn't have to either. We can find bipartisan common ground that allows us to support working families, create jobs, and see every American pay their fair share.

American corporations, huge corporations, have \$2.4 trillion stashed

abroad, which they don't pay taxes on until they bring it home. We don't have to allow that. We can make them pay taxes on it right away, whether they bring the money home or not.

Why should we encourage them to keep the money abroad, to create jobs abroad, by telling them they don't pay taxes if the money is abroad?

And the Republican bill just makes that worse. This Republican tax scam is not a fair plan. It is not a plan to increase the economy. It is not a plan for economic growth. It is not a plan for fairness to the middle class.

Let me just say one other thing. A number of years ago, while we were told—I have seen ads—we were told by the Republican leaders that the economic growth from this bill will produce huge gains for the average family. Never mind the tax cut that the average family will or won't get.

Because of the economic growth from this tax plan, wages will go up, and the average person will get \$1,500 or \$1,800 or \$2,000, depending on who you are listening to, in extra wages.

Well, a number of years ago, we were told the same thing about a bankruptcy bill. This bankruptcy bill that the big banks pushed and all the Republicans pushed, we were told that if we passed this bill, the banks would save so much money from certain deadbeats that the average American would save \$400 a year in lower interest rates.

I offered an amendment to say: Fine, mandate that the interest rates be lowered. And, of course, the Republicans voted that down.

Well, we passed that bill. We passed that bill 12 years ago. Have you seen the interest rates go down? The interest rates are still sky high. The banks raked in the money, hand over foot. The lobbyists did very well. The Republicans collected the campaign contributions. The American people did not benefit.

Same thing here. There will be no increase in economic growth as a result of this bill. There will be no increase in benefits. There will simply be a huge sucking sound as the money is taken from the middle class and low-income people and given to the superrich.

This bill is disgusting. It ought to be rejected.

Mr. GARAMENDI. Mr. Speaker, I thank the gentleman for bringing us the view from New York. He is quite correct about what happened during the great crisis in 2008, 2009. The American public, probably to the tune of about \$1 trillion, bailed out Wall Street. And here we go again. Major support for the American corporations who are hiding trillions of dollars overseas.

Let me just give you one other example. There is a lot of talk around here from our Republican friends that somehow, if we reduce the corporate tax rate, we will see jobs being generated and some \$4,000 a year of new money in the pockets of American workers.

Really? You think so?

Let me give you an example of one of America's great corporations, AT&T. I think we all know AT&T. We probably have them on our smartphone. In the last decade, AT&T was capable, using various tax loopholes and deductions, to lower its effective corporate tax rate, not to 20 percent, but to 8 percent.

So over that period of time, while they were reducing their effective tax rates, that is their real tax rate, from whatever it was to 8 percent during that decade, did they create new jobs? No.

What they did was to lay off 80,000 workers. And at the same time, guess what? The CEO, he raked in \$124 million.

So what is going on here?

The American corporations, back in the seventies and sixties, actually invested more than 50 percent, almost 60 percent, of their after-tax profits in expanding their business—investment in plants and equipment and wages and hiring people.

Today, less than 10 percent is spent on expanding their businesses. Instead, they are pumping up their stock prices with buybacks and with dividends.

So what is going down?

Tell me that this is going to somehow create jobs.

And, by the way, the gentleman didn't quite pick this one up, so let me add to the weight of this terrible bill. They use what is called territorial tax system. Terrific. Corporations will not be taxed for their profits globally, but, rather, they will only be taxed for their profits within the United States, so it is even a further incentive to offshore your jobs to the lowest tax place in the world: Bahamas. Used to be Ireland, but the EU decided that Ireland was cheating the rest of the European countries; put a stop to that, so now they are off.

Apple, a great California company, abandoned Ireland and is now, I think, located in the Jersey Islands off the coast of Great Britain.

Scheme, scam, the American public is going to be the beneficiary? No. It is going to be the victim, is going to be the victim of this great transfer of wealth.

The gentleman had one more point to make, and then I would like to go to my colleague, also from New York and what we still call the East-West Show.

Mr. NADLER. I do have one more point to make, and the gentleman reminded me of it.

In 2004, when we had the repatriation, we told the big corporations they could bring all the offshore money home and pay only a fractional tax on it; they were going to create jobs and so forth. And what happened? They didn't create jobs. They had buybacks. They enriched their executives. They didn't create jobs.

The fundamental problem with this analysis is not that corporations don't have enough money to invest, and, therefore, if you give them lower taxes

they will have more money to invest; they have plenty of money to invest. They don't see the investment opportunities, and that is a different problem. There is plenty of money to invest. They are rolling in cash. There is not a dearth of investment opportunity. There is not a dearth of investment cash.

So if you give them more cash, they will pay their CEOs higher. They will put more money into stock buybacks. The shareholders may benefit, but they won't hire more workers. The economy won't benefit; and we will be taking money away from the middle class and lower-income people, and we will be taking money away from the governments, local governments, that have to spend the money on schools, housing, health, roads and bridges, and so forth to build up this country.

Mr. GARAMENDI. Mr. Speaker, I yield to the gentleman from the great State of New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I thank Representative GARAMENDI for leading us in this Special Order. It is so important that the public understand what is happening here with this issue.

□ 1815

The first response ought to be: Here we go again.

Trickle-down has not worked in the past—the far past, the recent past. It is not going to work again.

When does trickle-down become trickle-up?

Well, to suggest that this is a tax reform act is really pulling a trick on the public. This is about a tax cut, and a tax cut for corporations, a tax cut for the wealthiest amongst us.

This trickle-down theory becomes trickle-up because you are taking and raising the taxes on some 36 million families, those that would be classified as middle class families, those who work day in and day out and don't even earn a minimum wage, but they are working. The poorest amongst us, the lowest bracket, gets an increase in its rates.

How is this fair? How is this economic or social justice?

Both measurements prove that it is false. It is not economically sound. It is not socially just. What we are doing here is playing a game with the economy, and we are putting the economy, the American economy, at great risk.

We have seen major efforts made since January of 2009 to grow the economy, and now we have this scam, this trickery, to go and do a trickle-up: take from the working families, deny their purchasing power, weaken their purchasing power, and give it to corporations, give it to the upper income strata in this country. That is a formula for disaster, and we are going to pay wickedly for this effort.

We have always heard about deficit situations. When President Clinton was in office, when President Obama was in office, the Republicans would talk about a deficit situation. There seems

to be no concern about deficit here, a deaf ear to the deficit.

Borrowing to spend. Borrowing to spend. Borrowing \$1.5 trillion, which probably amasses to \$2.1 trillion to \$2.3 trillion with the cost of borrowing, and using that borrowing to spend on the wealthiest amongst us, be they families, individuals, or corporations.

How does that make economic sense? How does that help the economy?

When we look at this situation, we are going to impact your average family in any of our districts, those who are working to maintain a household, to perhaps put aside some savings for improvements of that household or to assist their children in their pursuits of a career, be it apprenticeship programs or college programs. We are going to hurt these families.

Students will realize that their tuition deduction is eliminated—eliminated. Students will realize, former students, that their loan interest deductions will be eliminated.

I heard a lot about this, Mr. Speaker, when I was home over the last two weekends. We have always deducted exorbitant medical expenses when we did our taxes. We prepared that for our accountant because we had exorbitant medical fees, medical expenditures, be they for families who are walking through life with Alzheimer's or who are fighting cancer or who have chronic illnesses. They deserve to have that deduction.

I am told, on average, it is \$9,000. Seventy-three percent of people who make that deduction are earning less than \$75,000. This is a brutal response to America's working families. It is a harshness tossed against this economy that has finally started to churn over the last several years. Now we step up and want to wreck all of that.

We have all sorts of efforts that deny various professions, teachers, for one, who will not be able to deduct for classroom expenses where they will, out of their own pocket, provide greater resources for the children who are in their classes that they teach. They are facilitating this discovery, self-discovery, within children. They are digging into their pockets to make that experience all the more real, all the more magical, all the more important, and here we are going to deny teachers to deduct those expenses, but we won't do that for the businesses that want to reach into their own pocket and spend.

We look at this situation, and we understand who gets a fair shake in this deal, in this scam, and it is regrettable.

Now the talk of a Senate version bringing in the individual mandate? Dollars that are made available for families to realize healthcare coverage, and we are going to penalize them and use that to help pay for this borrowing? This is a disaster.

America needs to see this with its eyes wide open and to call your individual Representatives and ask them to tell you how you are going to benefit from this package.

Somebody today told me it is a once-in-a-lifetime opportunity for tax reform—tax reform. Is there reform in this mess? There are the same old loopholes. We grow more loopholes, and they are getting a tax break in addition. What are we doing to our economy here? This is a terrible bill.

When it comes to the SALT deduction, the State and local tax deduction, you will destroy States by requiring double taxation on the investments they make in their own programs in their State. That will severely impact upon people in my home State of New York.

I think it is a disaster that this House, this majority, the entire majority, would allow this bill to come to the floor.

Before you tell me how you are going to vote on this bill, tell me how you tried to stop it from coming to the floor because it hurts so many Americans. Thirty-six million families will be impacted. They will see a tax increase. That is not my word. It is not Representative GARAMENDI's word. It is coming from the Tax Policy Center.

People are putting this one under the microscope, and they are detailing what is in here and what is not in here, and this is a scam. It is bringing down an economy. It is taking it in the wrong direction. It gives tax breaks to corporations that want to grow their prosperity offshore and making it more productive for them to take jobs overseas.

How can we tolerate this? No wonder they are trying to rush the bill now. Get it done in a day or two before America finds out what is in it. This is a tax disaster, not a tax reform. It is a tax cut for the wealthy at the expense of the working families and those who work below minimum wage in this country, people who make it their goal to be self-sufficient, and now this is how they are rewarded.

Mr. GARAMENDI. Mr. Speaker, I yield to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS. Mr. Speaker, I thank Mr. GARAMENDI for bringing this Special Order.

Mr. Speaker, I just want to tell you, in 7 minutes, I, along with the other members of the Rules Committee, will be meeting on what is described as an emergency meeting. That emergency is what you all have been describing. We were originally scheduled to meet at Rules tomorrow, and now, in an effort to jam this measure through, we are meeting in an emergency capacity.

What the American public needs to know is the substance of what you two gentlemen and others have been talking about, but please know this: every Member deserves the right to contribute to these bills when they affect all of our constituents and will lead to millions of Americans paying more in taxes.

You all will handle the substance, but I thought that I would add that in with my thanks to Mr. GARAMENDI. It

is just atrocious what is going on, and not just Democrats or Republicans, but many persons who sent their Representatives here are not going to have their Representatives be heard.

Mr. GARAMENDI. Mr. Speaker, reclaiming my time, as an esteemed member of the Rules Committee, there is an emergency meeting to push this bill to the floor without any public hearings. Is that correct?

Mr. HASTINGS. Mr. Speaker, no hearings whatsoever, and yet the Speaker stood up and said that we are following regular order.

We are not following regular order at all.

Mr. GARAMENDI. Mr. Speaker, my recollection in the 1986 Reagan tax reform, it took 2 years of public hearings all around the country and some 30 hearings in the House Ways and Means Committee, probably a similar number on the Senate side before the bill came to the floor. There were many, many amendments that were offered.

Mr. HASTINGS. Mr. Speaker, in addition to hearing from experts and from affected entities around the country, now we are doing it in 2 weeks.

Mr. Speaker, I have to go to the Rules Committee, but I thank you all for what you are doing.

Mr. GARAMENDI. Mr. Speaker, I appreciate the work that the gentleman does there trying to protect the American public from this hasty—Mr. HASTINGS, thank you so very much.

Mr. Speaker, I yield to the gentleman from New York.

Mr. TONKO. Mr. Speaker, I just would love to point out, I would encourage middle class America to raise its voice. Raise your voices, because when we look at the repeal of the individual mandate that is being suggested here, you are going to rip away healthcare from some 13 million Americans, and that alongside the 36 million families in this country that are going to see a tax increase.

Before that hits home, stand up and speak out. And if you are not going to get a tax increase, if you might get crumbs off the table because, remember, if you weren't at the table, and this was done in veiled secrecy, if you are not at the table, you are probably on the menu.

Here you are going to have these families, 36 million that will get a tax increase, but if you are going to get maybe a crumb off the table, that sunsets, and the other benefits are going to go forever.

This is a monumental change in a tax cut policy. It is not reform. It is tax cuts for the wealthy and corporations at the expense of working families.

Finally, I would just make mention that there would be an immediate \$25 billion cut in Medicare. The efforts that were made under the last administration to bring more stability to Medicare, to make certain that it had a longer life out there, are now going to be wiped away. That is a very important program to Americans, very important program. We cannot afford to

have this go through in veiled secrecy on a rush in the next day or two without America knowing what is on the table.

Mr. GARAMENDI. Mr. Speaker, I thank the gentleman, very, very much. There has been much discussion. We are going to be yielding this floor to our Republican colleagues, and I see them beginning to assemble, all of them who, just 3 weeks ago, were deficit hawks.

I am going to point this out, and I am going to leave it here for my colleagues who will be talking about why we ought to increase the deficit.

The current structural deficit is about \$500 billion. We are going to add, just this year, \$115 billion on top of that. You can see that. But over the next decade, that present structural deficit will grow to nearly \$1 trillion a year, and we will add to it another couple hundred billion dollars.

The deficit hawks have a choice. They can live with the deficit, forget they ever were deficit hawks and just increase the deficit with this 1 percent tax bill, H.R. 1, or they could do what I call the Texas two-step.

Keep in mind, the chairman of the Ways and Means Committee is a Texan. The Texas two-step is first you seriously cut the revenues with this tax bill that is not a reform but, rather, a bill that actually 50 percent of the \$1.5 trillion reduction goes to the American corporations and the top 1 percent. Forget about the deficit or do the Texas two-step: cut the revenues and then cut the programs.

What are the programs?

You mentioned Medicare. Already in the budget that passed this House with Mr. RYAN as Speaker was a \$500 billion reduction to Medicare and a \$700 billion or \$800 billion reduction to Medicaid, 60 percent of which goes to the elderly in nursing homes. That is what they have in mind.

□ 1830

Secondly, they are going to talk about a trillion-dollar infrastructure. No way. The money is gone. There will be no infrastructure program, no roads, no trains, no buses, no levees, no repair.

Mr. TONKO. Mr. GARAMENDI, I would point out, in addition to tinkering with the public utility bonds out there, that public utility financing that will be devastated by this bill, adds to the further woes for building our investments and infrastructure of all kinds.

Mr. GARAMENDI. Exactly, and you might add education to that. So what do you do? Student loans of which \$1.4 trillion and nearly a trillion of that is owned by the Federal Government, these students are paying interest to the Federal Government; and to add to that, we are going to deny them the ability to deduct the loan interest that they are paying.

This is really just hypocritical, and it is very harmful to the economy. We want to do job training. Forget it. The

money is gone. The Texas Two Step will deny us the money that we need for education, reduce the revenues, and then cut the programs to attempt to bring back under control the deficit. It did not work. It will not work. And what it means is, the American economy that is recovering is going to be given a wallop on the side of its head, and we are going to see some real serious problems as we attempt to build the foundation for future economic growth. The money will not be there.

Mr. Speaker, I suspect that that emergency meeting of the Rules Committee is to specifically deal with the problem that was announced by the Congressional Budget Office just 3 hours ago that said this tax bill will, because of the sequestration law—it is a law—will create an automatic \$25 billion reduction in Medicare immediately and another \$111 billion reduction in programs, not to be determined by the Representatives of the people of the United States but, rather, by Mick Mulvaney, the head of the Office of Management and Budget, who is known to be really weird in his budgeting proposal.

He will make a \$111 billion reduction all on his own, if this tax bill passes as it is written today.

This is serious business, Americans. This is about your future. This is about your ability to have a decent job in America, a decent infrastructure, a decent education system, and medical services.

What about the children's health program which is not yet in place? It is unbelievable that, without one public hearing, the Republicans are determined to pass a \$1.5 trillion tax cut of which 50 percent of the benefit goes to the top 1 percent, and America's corporations are given yet another reason to offshore their jobs with what is called territorial pricing.

This is where we are, folks. Wrap it up, if you will.

Mr. TONKO. Mr. Speaker, I would just say: Let's do this with our eyes wide open. Trickle-down isn't going to happen. Tax reform, this is not tax reform. Certainly, tax cuts where you aid the upper-income strata and corporations at the expense of an increase of taxes to the middle class is what this is about. It is pathetic. It is devastating. It is disastrous, and it ought to be denied.

Mr. GARAMENDI. Mr. Speaker, the gentleman is exactly right. Finally, as we turn this floor over to our Republican colleagues, I am really interested in hearing why—and I see one of our colleagues from my area—why in the Central Valley of California where anywhere from 110,000 to 150,000 families who pay taxes are going to lose their State and local tax deduction? They will lose somewhere between \$7,000 and \$12,000 of deductions.

That amounts to an increase in taxes anywhere from \$1,500 to \$2,000. I want to hear them explain why that is good tax policy. We will see what they have

to say. They will be on the floor in a few moments.

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

The SPEAKER pro tempore (Mr. HOLLINGSWORTH). The Chair would remind Members to direct all remarks to the Chair, and to formally yield and reclaim time when under recognition.

#### CELEBRATING NATIONAL BIBLE WEEK

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

#### GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the topic of my Special Order.

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

There was no objection.

Mr. LAMBORN. Mr. Speaker, it is a great honor for me to come to the House floor tonight to celebrate National Bible Week.

This is an opportunity, for the next hour, to celebrate the tremendous influence of the Bible on the freedoms we enjoy today in America. We are truly blessed to live in a nation where we are free to worship and read the Holy Scriptures without fear of persecution.

There are many places throughout the world, unfortunately, where such freedoms do not exist. Americans have the right, under our wonderful system of government, to respect and study the Bible, or any other system of belief, if they so choose, or even no belief at all. That is the beauty of the American way, and I believe it is founded and goes back to the Bible.

In 1941, President Franklin Delano Roosevelt declared the week of Thanksgiving to be National Bible Week. Every U.S. President since has followed this tradition by declaring this time of year to be National Bible Week. The National Bible Association and the United States Conference of Catholic Bishops have designated the specific days of November 12 through 18 of this year as National Bible Week.

This is the week set aside to recognize the Bible as a foundational building block of Western civilization, the Judeo-Christian heritage, and the legacy that motivated and shaped the founding of the United States. In this hour, we will hear from Members of Congress from various faith traditions and denominations speak about what the Bible means to them and what it means to the country. We are here, in keeping with tradition, to recognize National Bible Week.

Mr. Speaker, I am just going to speak for a couple of moments about my own personal experience and then turn it

over to some Members who want to share some thoughts that I think bear worth listening to.

When I was a freshman at the University of Kansas four decades ago, someone asked me if I knew what the Bible was about. I said, yes, I knew what it was all about. But I realized that my answer was actually pretty presumptuous because I had never actually read any of it.

Mr. Speaker, I wonder if this might be true for others who might be listening tonight. The only honest thing I could do at that point was to read the Bible for myself. I started by reading the Gospel of John in the New Testament. When I read it, I discovered that I hadn't known at all what the Bible was about.

In that Gospel, Jesus says: "I am the way, the truth and the life; no one comes to the Father but through me." And I ended up discovering a personal relationship with Jesus Christ who became my Lord and Savior.

Mr. Speaker, this is what I know from personal experience. It is better to read the Bible for one's self and not just to take someone else's word for what is in it. For me, it made all of the difference in the world. My life has been totally different since then as a result.

As King David says in the Psalms: "The unfolding of Your words gives light; it gives understanding to the simple."

As we celebrate National Bible Week, we remember the importance of faith in both our private and public lives. We recognize the Bible's powerful message of hope. We cherish the wisdom of the Bible, and we thank God for providing this Holy Book that has truly been, in the words of the Scripture, "a lamp unto our feet and a light unto our path."

Mr. Speaker, at this point, I yield to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I thank the gentleman. I have a riddle for everyone. What is the most dangerous book ever published? What is the most powerful book ever written? What is the most cited book by Presidents and our Nation's Founders? What is the most prized possession that I own? The Bible.

It is a controversial book. Many people have it on their shelf at home, or it gathers dust on some end table, and people think it is a pretty innocuous book. But more people have lost their lives over this book than any other book ever written.

Many rulers have ordered the gathering and burning of all Bibles in the country, and, even today, in countries like North Korea, possession of a Bible results in death or sentence to a labor camp.

Why? Well, because it is more than a historic book, although it is; and it is more than a collection of wise advice and spellbinding stories, which it is. It has the audacity to claim something

radical and all-inspiring at the same time. It claims to be the Word of God.

Now, as a result, it changes lives. The Bible reveals a plan. It starts right out with these words: "In the beginning, God made. . . ." That changes everything. That sets the stage saying that we are not here by chance, that there is a loving God who has a design, and we are a part of it. It makes a difference if we have a plan. It reveals that plan. It also gives us a purpose.

Part of the Psalms in 139 says, we are "fearfully and wonderfully made" by a loving God. We are not here by chance. And it goes on and says, and this is God speaking: "For I know the plans I have for you, says the Lord, plans for good and not for evil, to give you a future and a hope."

That is exciting.

The Bible also gives us power. It gives us power to overcome evil, hardship, and trials of life by revealing how God sent his son, Jesus, to introduce us to God and make a way for us to have a personal relationship with the living God who made us and loves us. It is incredible.

The Bible also gives us peace and hope as a result, not just for today, but for the future. I start each day reading from my Bible, and I am so thankful for it. It has made a difference in my life. I want to invite anyone who has never read it to read it and to discover God's plan and purpose for your life which will give you power and peace. So let this most radical book ever written touch and bless your life.

Mr. LAMBORN. Mr. Speaker, I thank my colleague from Missouri for her wise words and thought-provoking words.

I yield to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to recognize the 76th celebration of National Bible Week. As I reflected on what I would share with everyone tonight, I couldn't get away from my background and my family heritage of being raised by Christian parents, who were raised by Christian grandparents, who worked hard and believed that the instruction book for life was the Word of God.

Bryon and I have chosen to raise our children in much that same way. In fact, when I was telling my family—we have a group text that we text in all the time with my kids, my husband and I. I was telling them that it was National Bible Week. I said to them: Do you kids remember what the Junior Bible Quiz answer is? For the very first question in the Junior Bible Quiz book is: What is the Bible?

And my middle daughter, Kennedy, who is 20 years old, immediately texted back, and she said: The Bible is the inspired Word of God and is His revelation to all people of Himself and His plan for salvation. I said: Good job, Kenners.

You see, because we—my grandparents grew up going to church and

became very frustrated that it was religious; that it wasn't a personal relationship with the Lord. In fact, so much so, that they decided that they would plant their own church. It is the church that I go to today, that our entire family goes to today. But for a year, they held Bible studies in homes seeking God's will for their lives and what it meant to have a personal relationship with Him and to spread it to their community.

They were very poor, but they knew that everything in their life, their success, and their family's hope and future relied on the Lord's will and them being obedient to it.

Mr. Speaker, I grew up as a young girl coming downstairs in the middle of the night for a drink of water to find my dad on his knees reading his Bible in the middle of the living room. He had a bad back. He worked hard. He was always in pain, and whenever he had a difficult time on the farm or couldn't sleep because of the pain that was in his body, the first thing he would do would be to read his Bible.

Oftentimes, we didn't realize how much time he really did spend worshipping God, and reading His words to find comfort and release through some of the difficult times that he had gone through.

I remember being 13 years old and being very insecure. In fact, my mom said she worried about me. She wondered if I was going to be a young girl who would grow up proud. I didn't have many friends. I didn't think I was attractive. I didn't think I had any gifts. She sat me down at the kitchen table, and she read to me Scriptures out of the Bible that told me how God saw me; that God saw me above and not beneath; that He saw me as someone who had plans for me from the time I was in the womb. And you know what? I bought it. I completely changed my attitude and my perspective of myself that day because of God's Word that was spoken over me by my mother.

So we as a family, from the time I was little, went to church Sunday mornings. We went Sunday nights. We went Wednesday evenings.

□ 1845

We knew that if the doors were open on church, we were to be there, and we were to be meditating on God's Words in our lives. That is how Bryon and I have chosen to raise our kids as well. We put them in Junior Bible Quiz because we wanted God's Word hidden in their heart. I am thankful that today they still have God's Word hidden in their heart.

Mr. Speaker, Jesus tells us in Matthew 7: "Anyone who listens to My teaching and follows it is wise, like a person who builds a house on solid rock. Though the rain comes in torrents and the floodwaters rise and the winds beat against that house, it won't collapse because it was built on bedrock."

How often does it feel like we are stuck in that storm, as though the



floodwaters are rising around us and around people of faith, as though the winds are beating on our door?

It is during these times that we must lean on our foundation, the Bible, our instruction book.

It is in that Bible that God reveals how He would like to use us as instruments of faith and as defenders of freedom that show Christ's love and compassion to our community, Nation, and world. Allowing Him to guide us through His Word is the surest way to navigate any storm.

But so many times, people try to navigate our policy debates in this Chamber by fighting to change one another's minds. Mr. Speaker, I am convinced what we ought to be doing is seeking God to change their hearts, gearing their hearts toward Him. I recognize that that takes trust, and it takes faith, but that is what we are directed to do.

It is written in Proverbs: "Trust in the Lord with all your heart and lean not on your own understanding. In all your ways acknowledge Him, and He will make your paths straight."

Mr. Speaker, I pray that we are being servants for God's good, that we allow Him to light our path, and that we humble ourselves enough to build our house on His firm Biblical foundation. In this way, whatever we do, we do it to the glory of God.

Mr. LAMBORN. Mr. Speaker, I thank the gentlewoman for her heartfelt remarks.

Many of the early American settlers came to the New World with the express purpose of following the Bible according to the convictions of their own consciences. One of the first acts of Congress during the tumultuous beginning of our Nation was the authorization of an American-published Bible. The war with the British had cut off the supply of any Bibles from England.

Our Founding Fathers understood how important it was for the American people to have Bibles, so, in 1782, Congress reviewed, approved, and authorized the first known English language Bible to be printed in America.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. JOHNSON).

Mr. JOHNSON of Louisiana. Mr. Speaker, I am grateful to my friend and colleague, Congressman DOUG LAMBORN, for organizing this Special Order series in recognition of the 76th anniversary of National Bible Week.

I am delighted to stand with these other Members today to share our perspectives on why the Bible is so important to us and to our country. As we approach the Thanksgiving holiday, there is really no better time to present these reflections.

I wanted to share the preface to a historic text that I have in my collection. What I am holding here is a copy of the New Testament Bible study course that was approved by and published for the public schools of Dallas, Texas, by its board of education in September of 1946. The preface was written

by Henry Van Dyke, and it is a wonderful summary of what the Bible means to us and to the world.

Mr. Speaker, let me read to you what it says here in the text:

Born in the East and clothed in that form and imagery, the Bible walks the ways of the world with familiar feet and enters land after land to find its own everywhere. It has learned to speak in hundreds of languages to the hearts of men. It comes into the palace to tell the monarch that he is a servant of the Most High and into the cottage to assure the peasant that He is a son of God. Children listen to its stories with wonder and delight, and wise men ponder them as parables of life. It has a word of peace for the time of peril, a word of comfort for the time of calamity, a word of light for the hour of darkness. Its oracles are repeated in the assembly of the people, and its counsels whispered in the ear of the lonely. The wicked and the proud tremble at its warnings, but to the wounded and the penitent, it has a mother's voice. The wilderness and the solitary place have been made glad by it, and the fire on the hearth has lit the reading of its well-worn pages. It has woven itself into our dearest dreams so that love, friendship, sympathy, devotion, memory, and hope put on the beautiful garments of its treasured speech, breathing of frankincense and myrrh. No man is poor or desolate who has this treasure for his own. When the landscape darkens and the trembling pilgrim comes to the valley named of the shadow, he is not afraid to enter. He takes the rod and the staff of Scripture in his hand. He says to friend and comrade: Good-Bye; we shall meet again. And comforted by that support, he goes toward the lonely pass as one who walks through the darkness into light.

Mr. Speaker, I love those words. I also love the words that are inscribed above the Speaker, where it says in the marble: In God We Trust.

There is a reason for that. Our Founders understood that this is our foundation. George Washington, the father of our country, famously said in his Farewell Address: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

Adams was our second President. He comes next. He said: "Our Constitution is made only for a moral and religious people. It is wholly inadequate for the government of any other."

We have to remember these truths. I close with the words of "The Gipper." Ronald Reagan said it more recently: "If we ever forget that we are one nation under God, we will be a nation gone under."

I am so grateful for National Bible Week. I am so grateful to my friends and colleagues here for our recognition of this great truth, what it means to our country, and what it means to each of us.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Louisiana for his wonderful thoughts. He quoted some of the Presidents in our great country's history. I have two more quotes along with that same line.

The gentleman mentioned Ronald Reagan, "The Gipper." In his own National Bible Week declaration, he wrote when he was in office: "When I took the oath of office, I requested the

Bible be open to 2 Chronicles 7:14, which reads: 'If My people, which are called by My name shall humble themselves, pray, seek My face, and turn from wicked ways, then I will hear from Heaven and forgive their sin and heal their land.'"

The President said: "This passage expresses my hope for the future of this Nation and the world."

One last quote along this line. President Abraham Lincoln once said: "I have but to say it is the best gift God has given to man. All the good the savior gave to the world was communicated through this book. But for it we could not know right from wrong. All things most desirable for man's welfare, here and hereafter, are found portrayed in it."

Mr. Speaker, I yield to the gentleman from Michigan (Mr. WALBERG), who is my good friend.

Mr. WALBERG. Mr. Speaker, I thank my good friend and colleague from Colorado for yielding.

Mr. Speaker, I appreciate so much tonight the opportunity to speak here during Special Orders. We could talk about the principles of charity from the Scriptures. We could talk from the Scriptures on principles of science. We could talk on principles of education. We could even talk about the principles of taxation and be very up to date as we deal with that here.

But tonight, as we discuss the issues of the Bible in this National Bible Week, I want to go back to my earliest days in my childhood home. I thank God that I had a mother and a father who would speak to me about God's Word, from God's Word, and impart God's Word in my life even when I didn't want it or didn't understand it.

I remember from my earliest days being taught to memorize Psalm 119:11, where it says: "Thy Word I have treasured in my heart. That I might not sin against Thee."

As a young man, the thoughts of sin in some cases were enticing, but I am glad that I had the opportunity to put the Scriptures in my life because ultimately, through the course of time, it truly did change my life.

It brought me to the Book of Romans, where in Romans, the third chapter verse 23 said: "For all have sinned and fallen short of the glory of God."

With that verse in the Psalm, my mother would say: Tim, this book will keep you from sin, or sin will keep you from this book.

I found the truth in both of those statements. What I found there in Romans 3:23, that we have all sinned, I identified with that. But it didn't end there because I went over a few pages to Romans 5:8, where it said: "But God demonstrated His own love toward us, in that while we were yet sinners, Christ died for us."

Those are words of Scripture. The Bible impacted my life. As a young man, ultimately, I had to ask: Is that true?

I am so thankful that ultimately I admitted the truth, and I came to Romans again, chapter 10:13, where it says: "For whosoever will call on the name of the Lord will be saved."

My good friend from Colorado indicated how that changed his life. It changed my life as well, admitting personally that I was a sinner in need of a savior. The Bible said so. It changed my life.

Now, some might reject this. That is okay. But most who seek the truth of the Bible are not disappointed. It truly changes lives. Admittedly, I am not perfect—and my colleagues could identify with that—but I am forgiven. I am forgiven, and every day I have a purpose beyond myself to live in a way that makes a difference because of not who I am, but who this book and my savior has made me be.

So I will end with this, Mr. Speaker, in my namesake, 2 Timothy 2:15, it says to me specifically: Study to show thyself approved unto God, a workman that doesn't need to be ashamed, accurately handling the word of truth.

At the end of each day, Mr. Speaker, because of this passage, I ask, first of all: Is God pleased?

Secondly, has the work been done well?

Thirdly, has the word—the truth—been used well in my life?

If I can answer in the affirmative to each of those based upon the Bible, I know for whatever reason my God has been served well, and I have done the work well.

Mr. Speaker, I thank the gentleman from Colorado for leading this Special Order tonight talking about something so significant as the Bible, and I pray that it imparts wisdom to all we do here.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman for those profound and heartfelt words that he has just shared with us.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman holding this hour tonight.

In September of this year, we celebrated the 230th birthday of our Constitution, a document that has provided for the governance of this great people for 230 years.

The history behind that was that the States in 1787 decided that the Articles of Confederation were not properly forming a nation that could protect itself properly. So they sent really smart men to Philadelphia to fine-tune—or tweak—the Articles of Confederation.

James Madison and others had a different idea. They locked the doors, they went into closed session, and they came forth with a Constitution that we have lived under for the next 230 years.

Benjamin Franklin, who was the oldest Framer, emerged from that experience and was asked by a woman, whom we think was named Mrs. Powell. She said: Good Doctor, what have you given us, a monarchy or a republic?

He looked her in the eye and said: "Madam, a republic, if you can keep it."

That is a daunting phrase, Mr. Speaker, and it is one that carries forward now for 230 years. It never ends. It is not a one-and-done circumstance.

So the question arises: How, in fact, do we keep a republic?

Mr. Speaker, only a free, self-governing people can keep a republic. As was previously quoted by my colleague from Louisiana, John Adams wrote that only a moral and religious people can self-govern.

Mr. Speaker, as I look at our Nation today, I am deeply concerned that we are losing that moral high ground to be able to maintain the moral authority, in fact, to self-govern. We each say the Pledge of Allegiance often. There is a line in that pledge that says, "One nation under God," with no comma.

Mr. Speaker, think about that juxtaposition, "One nation under God."

What does God see when He sees our Nation today? What does He see in America that can, in fact, please Him?

He sees a nation that has come to accept the killing of 57 million babies in the last 44 years. He has seen a nation whose family units are breaking up and the impact it has on the moral guidance of children. He has seen a coarsening of our society, a language that is unsuitable, a filthiness and commonness that, quite frankly, offends Him at every level.

Mr. Speaker, you and others listening to me tonight, I think, have their own list of things that God looks at and cannot and simply will not bless.

How do we turn that around? How do we reclaim that moral high ground?

I am going to argue, Mr. Speaker, that that is an individual job. I don't think any of us would argue that we can legislate this work, because this is a work of each of our hearts.

Mr. Speaker, I think you reclaim this moral high ground by living a moral code. I live the Judeo-Christian model. Jesus Christ is my personal savior. I try to live his tenets every single day. Some days I am better at it than others. Each of those days, I am simply a sinner saved by grace. That grace of God has provided the story of that, and how that works is provided for us in the Bible that we celebrate tonight.

Mr. Speaker, each one of us has to live a code that, in fact, can create moral and religious people. Each of us in this body take an oath every 2 years—those of us who are fortunate to get reelected—to defend and protect the Constitution against all enemies foreign and domestic.

We have got good men and women in uniform tonight who are putting their lives between us and some really bad guys as a result of that oath of office.

I'm going to ask each of my colleagues here tonight to think about what they are willing to put on the line to protect and defend the Constitution, to help create that moral fiber, and to reclaim that moral high ground that

will, in fact, allow us to continue self-governance and, by extension, protect this Republic.

That used to be the easy thing to do, Mr. Speaker, but the voices against us, the voices of intolerance are growing louder and louder every single day. It will come at a risk to stand up for those Biblical truths on which this country was founded and which have sustained her for some 230 years.

□ 1900

Are you and I, in fact, willing to take those risks, take the risk of being ostracized, being ridiculed, being made fun of because we stand up for the truths that all of us know built and sustained this country?

I certainly hope we are because we have got young men and women in uniform who put their lives on the line, and I am going to ask you to put your reputation and mine on the line to help create and maintain this Republic.

As Benjamin Franklin said: "A Republic, if you can keep it." These are strong words for a strong-hearted people who must reclaim the moral high ground that God, in fact, continues to bless.

Mr. Speaker, I ask that God bless each one of us, that God continue to bless Texas, and that God bless the great United States of America.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Texas for his words and for focusing our attention on the U.S. Constitution and some other great things, as well.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. ESTES). He won a special election and is one of our most recently elected and newest Members of Congress. I look forward to seeing him doing good things here for a long time to come.

Mr. ESTES of Kansas. Mr. Speaker, I appreciate the gentleman from Colorado holding this Special Order hour tonight.

Serving my fellow Kansans for a little over the last 6 months has been a very humbling experience. I can't help but walk onto the House floor and feel the weight of history in this hall.

I am often reminded of Jesus' words in Mark chapter 9: "Anyone who wants to be first must be the very last, and the servant of all." This verse touches on why each of us should be here not for our own gain, but in service to others.

Throughout our country tonight, people are in Bible study classes. We are all attempting to seek how we humble ourselves before the Lord.

When I consider our Founding Fathers' vision for this Republic, I think they set in motion with a servant's heart. The Founders made clear that religious liberty was to be cherished, and so they enshrined it in our Constitution. From the time of the Puritans crossing the Atlantic in search of freedom to practice their faith to today, millions of Americans have taken the Bible as the cornerstone of their faith.

Our President's have chosen to take the oath of office on their Bibles. President Lincoln chose his Bible to be open to Matthew 7:1, "Judge not, that ye be not judged." President Reagan chose to have his Bible open to II Chronicles 7:14, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face. . . ."

With the Bible as our guiding compass, these leaders chose to serve their fellow Americans with humility and strength.

As we honor National Bible Week, I hope that individuals across this country, regardless of their faith background, will take a moment to reflect on the gift of religious liberty and their role to serve others around them. The future of our great Nation rests in the servant hearts of her people.

Mr. LAMBORN. Mr. Speaker, I am going to mention something about fulfilled prophesy. This is one of the reasons why we can believe in and trust the Bible.

People come here to Congress with all different kinds of backgrounds, including pastors. This diversity of background adds a valuable thread of experience and thought that helps us all.

One reason many people respect the Bible is that so many prophecies for telling future events have come true exactly as foretold. In the Old Testament, there are many predictions that were given to prove that, if a speaker were divinely inspired, those things that he predicted would come true; it would validate the words of that prophesy.

The Book of Daniel, for instance, contains scores of detailed prophecies that were literally fulfilled. Skeptics have fallen back to the position that Daniel must have been written after the fact and is, therefore, not being honest.

In fact, the Book of Daniel is found in its entirety in the Greek's Septuagint and partially in the Dead Sea Scrolls, both of which we know predated the events that were prophesied. That means that the critics of the dating of the Book of Daniel are the ones who are not being honest.

The rise and fall of empires, the capture and destruction of cities, the destiny of kings all were prophesied in minute detail. Archeology and history have literally confirmed hundreds of such prophecies as having come true.

Mr. Speaker, I yield to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, I thank my colleague from Colorado (Mr. LAMBORN) for leading this Special Order tonight on National Bible Week.

Last night, several of us had the privilege to attend a preview of the national Museum of the Bible. It was very impressive. I would urge everybody watching tonight and who hears about it to tour it when you get the chance here in Washington, D.C.

One of the things that struck me very early on in that tour was a banner hanging inside the museum that says:

"The law of the Lord is perfect, refreshing to the soul. The decree of the Lord is trustworthy, giving wisdom to the simple"—Psalm 19:8.

That also applies to the Bible itself, the inherent and infallible Word of God.

Jesus himself used Scripture that was written before him. Jesus never belittled the Scripture, as some modern critics do, or set it aside, nor did he criticize it; although he criticized those who misused it or contradicted it, although he rejected many interpretations of it.

When we hear the Son of God's quotes to Scriptures, we need no further testimony. He believed every word of Scripture. All the prophecies concerning Himself were fulfilled, as my colleague, Mr. LAMBORN, said.

Time and time and time again, the timelines prove the Word of God's prophesy. Matthew 19:4 and 19:5 were one of those that Jesus spoke of, documented in the New Testament, accounts by those over there with Jesus at the time.

We know Moses wrote the Pentateuch, Jonah wrote Jonah, Daniel wrote Daniel. Jesus attests to that. He believed the Old Testament was spoken by God, Himself, written by the Holy Spirit's inspiration, even though the pen was held by men. That is an important point for those who ask: How can the Bible be real, since it was written down by men?

The committed task of all writing of the Word of God, though they were fallible men, were guided by the infallible Holy Spirit. That is a faith we have and hold.

It does take some faith, yes, just as it takes faith for me to get on that airliner and fly back East each week. But the faith in the Bible is much stronger. It has never been proven wrong. All the prophecies that were made that have occurred already have been proven true.

The Founders thought it was a key element in the founding of this Nation, obviously. Right in this room, behind the Speaker's dais, is the inscription: "In God We Trust." Facing me right now is the only forward-facing image in here of Moses looking over this House of Representatives.

Lastly, I would leave with this. As you watch the machinations of the Members of Congress, I think one of the most important guidelines we would have I find in Proverbs 4:25 through 4:27: we uphold the honor not only of this institution and our families, but those who walk with God, that walk with Jesus.

In Proverbs, you see: "Let your eyes look straight ahead. Fix your gaze directly before you. Keep straight the passage for your feet and be steadfast in all your ways. Do not turn to the right or the left. Keep your feet from evil."

That is what the Bible inspires. As I read it on the plane coming back and forth and read it at home or at my bed-

side, this is what true faith is all about, proven time and time again.

I urge everybody not just to have the Bible at your home. The statistics are that every home has 2.2 Bibles, on average. It isn't that there aren't enough Bibles. It is that people don't open it often enough.

Mr. LAMBORN. Mr. Speaker, I thank my friend from California (Mr. LAMALFA) for his sincere words.

When National Bible Week was started in 1941, even though that has only been 76 years, the Bible itself has been celebrated by Americans since the beginning of our country—in fact, before we were a country.

Our Presidents have been very vocal in their acknowledgment of the Bible and the DNA of who we are as Americans. Several have been quoted.

Listen to what Civil War hero Ulysses Grant gave as advice to Sunday school children: "Hold fast to the Bible as the sheet anchor of your liberties; write its precepts on your hearts and practice them in your lives. To the influence of this book we are indebted for the progress made in true civilization, and to this we must look as our guide in the future."

Then he finished with this quote from the Bible: "Righteousness exalteth a nation, but sin is a reproach to any people."

Mr. Speaker, I yield to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise with great privilege to celebrate National Bible Week.

As stated, it has been 76 years since President Franklin Roosevelt declared this National Bible Week. I thank Congressman LAMBORN for recognizing the importance of honoring God's Word here tonight.

Just 16 short years ago, I learned the most valuable lesson of my life. I realized I had to change my priorities. Part of that change was to put God first. A big part of that commitment was the reading and studying of His Word through prayer and meditation. It is easy to say, but difficult to do.

I had come to a point in my life where I made a covenant with God on my knees, which reminds me of God's instruction to Joshua 1:8, "This book of laws shall not depart from your lips, but you shall meditate on it day and night so that you may be careful to do according to all that is written in it; for then, you will make your way prosperous, and then you will have true success."

I learned to gradually believe all the wonderful promises God made through His Word, and he credited to me His righteousness, just as He did our spiritual father Abraham in Genesis 15:6, "I learned it was not my will be done, but His will be done."

I learned what Jesus Christ had done for me and the entire world and how he leads me in all my endeavors and has called me to places I never imagined I would go. One of those is right here.

Years ago, I could never have imagined myself here tonight, speaking on

this floor in the United States House of Representatives, representing the great people of Georgia's 12th District. But here I am, by the grace of God.

In this endeavor, I meditate often, and as said in Philippians 2: "Do nothing out of selfish ambition or vain conceit, but in humility consider others more important than yourself. Each of you should look not only to your own interests, but look to the interests of others."

At a time when many Americans are increasingly divided, I often remind myself and those around me to have faith in Him and to remember the Judeo-Christian values our Nation was founded on.

The Bible's influence on our founding documents can still be seen here today and was mentioned tonight. Again, when the Constitutional Convention reached an impasse, Ben Franklin asked clergymen to come in and pray and read the Scriptures. They united around the greatest constitutional document created in the history of mankind.

Americans are looking to Congress to come together to find solutions for rising healthcare costs, a simpler, fairer Tax Code, and let's get our good folks back to work again. It is time to put the American people's interests above political will.

The division in this Nation is real. They are evident right here in this body. How could our behavior ever show the world to believe that God sent His Son to save the world?

This is when we should look to God's provision. The truth can always be found through faith in him. Jesus summed it up when he prayed for us in John 17:21: "That all of them may be one, Father, just as You are in me and I am in You. May they also be in us so that the world may believe that You sent me."

My inspiration is found in Psalms 51:10-12, David's Prayer: "Create in me a pure heart, O God, and renew a steadfast spirit within me. Do not cast me from your presence or take your Holy Spirit from me. Restore to me the joy of Your salvation and grant me a willing spirit to sustain me."

As we enter the Christmas season, one of the most important seasons of the year, we all must remember to keep His Word close and let it lead us in all that we do.

I am grateful that we have a President who actually wishes a merry Christmas as we all celebrate the birth of the Savior of the world.

God bless.

□ 1915

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Georgia for being here tonight and for those thought-provoking and very well-intended words.

As our next speaker comes to the podium, let me mention the issue of archaeology. Archaeology is one of the reasons why we can have trust in that what the Bible says is true. There are

many archaeological discoveries which have validated Biblical accounts, giving trustworthiness to the Bible that we acknowledge and commemorate during this National Bible Week.

Time and time again, archaeology has shown that Biblical personalities, locations, and events actually existed in time and space. Claims by critics that a Biblical statement was simply made up have been debunked by later archaeological studies more times than we can say.

Jewish archaeologist Nelson Glueck has said: "It may be stated categorically that no archaeological discovery has ever controverted or contradicted a Biblical reference."

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ROUZER).

Mr. ROUZER. Mr. Speaker, I greatly appreciate my colleague from Colorado for leading this Special Order on the Bible, its importance to each of us, and its influence on our constitutional Republic.

Our Founding Fathers understood that Biblical values were the basis for our Republic and that this country would be slowly destroyed if the people's knowledge and adherence to those values were ever lost.

In reference to this danger, John Adams wrote: "Democracy will soon degenerate into an anarchy, such an anarchy that every man will do what is right in his own eyes, and no man's life or property or reputation or liberty will be secure, and every one of these would soon mold itself into a system of subordination of all the moral virtues and intellectual abilities, all the powers of wealth, beauty, wit, and science, to the wanton pleasures, the capricious will, and abominable cruelty of one or a very few."

In a simpler language, that means "tyranny."

When Alexis de Tocqueville visited the United States early in the 19th century, he wrote in "Democracy in America" that our Nation's "religious atmosphere was the first thing that struck me on arrival in the United States." He believed that adherence to the virtuous standards was indispensable for the preservation of liberty.

Mr. Speaker, he was correct in this assessment. This brings me to one of my own favorite passages in the Bible: the Apostle Paul writing to Timothy, in 2 Timothy 3:16 through 2 Timothy 4:5. And I might add that I find this passage to be more and more relevant to our times with each and every passing day.

It reads: "All Scripture is inspired by God and profitable for teaching, for rebuke, for correction, for training in righteousness; so that the man of God may be adequate, equipped for every good work."

"I solemnly charge you in the presence of God and of Christ Jesus, who is to judge the living and the dead, and by His appearing and His kingdom: preach the Word, be ready in season and out of season, reprove, rebuke, exhort, with great patience and instruction."

"For the time will come when they will not endure sound doctrine; but wanting to have their ears tickled, they will accumulate for themselves teachers in accordance to their own desires and will turn away their ears and will turn aside to myths."

"But you, be sober in all things, endure hardship, do the work of the evangelist, and fulfill your ministry."

Mr. LAMBORN. Mr. Speaker, I thank the gentleman for those words. It is great that we have been hearing today from Representatives from all over the United States: from North Carolina on the Atlantic Coast in Georgia to California on the Pacific Coast, from Michigan on our Northern border to Texas on our Southern border. And we have been hearing America speak tonight, so I think that is very special.

Now, there are some who would prefer to gloss over the vital role that the Bible has had in the founding of our Nation and the implementation of this unique form of government, but none of our Founding Fathers were perfect. Indeed, there are times in our Nation's history when Biblical principles were not acted upon.

Yet, listen to what President Harry Truman said during his address to the Attorney General's conference on law enforcement problems: "The fundamental basis of this Nation's law was given to Moses on the Mount. The fundamental basis of our Bill of Rights comes from the teachings which we get from Exodus and St. Matthew, from Isaiah and St. Paul. I don't think we emphasize that enough these days."

"If we don't have the proper fundamental moral background, we will finally end up with a totalitarian government, which does not believe in rights for anybody except the State."

Mr. Speaker, it has been an honor, and it has been a pleasure to commemorate National Bible Week this evening. As I said a moment ago, we heard from colleagues from all over the United States. I am grateful to these colleagues who have joined me to honor the Word of God. I am also thankful to the National Bible Association for their vision for National Bible Week and for their encouragement for our efforts today.

Mr. Speaker, the prophet Isaiah, thousands of years ago, wrote: "The grass withers and the flowers fall, but the Word of our God endures forever."

How true. Civilizations have risen and fallen in those thousands of years since that was said, generations have come and gone, yet here today on November 14, 2017, we are still celebrating the enduring Word of God. We celebrate National Bible Week.

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

Mr. BABIN. Mr. Speaker, this past Sunday was the International Day of the Bible, and this week we are celebrating the National Bible Week across the United States.

It is very fitting that we take time today on the floor of the People's House to draw our nation's attention to the Bible. In his book

Reading the Bible with the Founding Fathers, Dr. Daniel Dreisbach reminds us of the influential role the Bible served in the lives, thoughts and ideas of our nation's Founding Fathers.

The Bible was the most accessible book to our Founding Fathers and gave them insights on human nature, civic virtue, political authority, and the rights and duties of citizens that informed them as they formulated established the structures of government.

On a more personal level, I believe that the Bible is not simply an inspirational book or a comforting book—although it is that. But, I believe the Bible to be the holy word of God. It tells us the story of God's love for us. It is a story of redemption for those who would put their faith and trust in Christ alone.

John 3:16 tells us that "God so loved the world that he gave his only begotten son, that whosoever believeth in Him should not perish, but have everlasting life."

For me, as a follower of Jesus Christ, this is not only comforting and inspiring but it is True and the Bible is a guide for my life.

Each day—and the older I get—I am reminded of the comforting Truth in Job Chapter 19. Written centuries before the birth, crucifixion and resurrection of Jesus, we were told of our redeemer. The one who would save us.

For I know that my Redeemer lives,  
And He shall stand at last on the earth;  
And after my skin is destroyed, this I know,  
That in my flesh I shall see God,  
Whom I shall see for myself,  
And my eyes shall behold, and not another.  
How my heart yearns within me!  
Job 19:25-27

This promise reminds me of the Lord's love for me—no matter what the circumstances of life.

Maybe it's been a while since you poured over the pages of the Bible. Maybe it's been collecting dust on a shelf. Take it down and read once again the truthful and comforting words of God preserved for us and given to us as a gift.

I thank my colleagues for reserving this time for me to join you in sharing what the Bible means to me and hundreds of millions of others across the world.

## RECESS

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

Accordingly (at 7 o'clock and 22 minutes p.m.), the House stood in recess.

□ 0025

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOODALL) at 12 o'clock and 25 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, TAX CUTS AND JOBS ACT, AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM NOVEMBER 17, 2017, THROUGH NOVEMBER 24, 2017

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 115-410) on the resolution (H. Res. 619) providing for consideration of the bill (H.R. 1) to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2018, and providing for proceedings during the period from November 17, 2017, through November 24, 2017, which was referred to the House Calendar and ordered to be printed.

## ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1679. An act to ensure that the Federal Emergency Management Agency's current efforts to modernize its grant management system includes applicant accessibility and transparency, and for other purposes.

## ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 26 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, November 15, 2017, at 10 a.m. for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3161. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Troy M. Shoemaker, United States Navy, and his advancement to the grade of vice admiral on the retired list, pursuant to 10 U.S.C. 1370(c)(1); Public Law 96-513, Sec. 112 (as amended by Public Law 104-106, Sec. 502(b)); (110 Stat. 293); to the Committee on Armed Services.

3162. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Calcium Carbonate [Docket No.: FDA-2016-C-2767] received November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3163. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Ammonium Formate and Formic Acid [Docket No.: FDA-2014-F-0988] received November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3164. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the Central African Republic that was declared in Executive Order 13667 of May 12, 2014, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

3165. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

3166. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting reports concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(a); Public Law 92-403, Sec. 1(a) (as amended by Public Law 108-458, Sec. 7121(b)); (118 Stat. 3807); to the Committee on Foreign Affairs.

3167. A letter from the White House Liaison, Department of Education, 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.

3168. A letter from the White House Liaison, Department of Education, 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.

3169. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting the Agency's FY 2016 Commercial and Inherently Governmental Inventories, pursuant to 31 U.S.C. 501 note; Public Law 105-270, Sec. 2(c)(1)(A); (112 Stat. 2382); to the Committee on Oversight and Government Reform.

3170. A letter from the Deputy Chief of Staff, Office of Science and Technology Policy, Executive Office of the President, transmitting a notification of a vacancy and designation of acting officer, 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.

3171. A letter from the Branch Chief, Endangered Species Listing, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Species Status for *Dalea carthagensis* var. *floridana* (Florida Prairie-clover), and Threatened Species Status for *Sideroxylon reclinatum* ssp. *austrofloridense* (Everglades Bully), *Digitaria pauciflora* (Florida Pineland Crabgrass), and *Chamaesyce deltoidea* ssp. *pinetorum* (Pineland Sandmat) [Docket No.: FWS-R4-ES-2016-0090; 4500030113] (RIN: 1018-BB48) received November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3172. A letter from the Chief, Branch of Listing Policy and Support, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removing Textual Descriptions of Critical Habitat Boundaries for Plants on the Hawaiian Islands [Docket No.: FWS-HQ-ES-2015-0009; 4500090023] (RIN: 1018-BA80) received November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3173. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Approval of Corrosion-Inhibited Copper Shot as Nontoxic for Waterfowl Hunting [Docket No.: FWS-HQ-MB-2015-0073; FFO9M21200-178-FXMB1231099BPP0] (RIN: 1018-BB06) received

November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3174. A letter from the Conversation Policy Advisor, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — 2017-2018 Refuge-Specific Hunting and Sport Fishing Regulations [Docket No.: FWS-HQ-NWRS-2017-0005; FXRS12650900000-178-FF09R26000] (RIN: 1018-BB75) received November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3175. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal, styled the "Coast Guard Authorization Act for Fiscal Year 2018"; to the Committee on Transportation and Infrastructure.

3176. A letter from the Deputy Assistant Secretary for the Veteran's Employment and Training Service, Department of Labor, transmitting the Department's final rule — HIRE Vets Medallion Program [Docket No.: VETS-2017-0001] (RIN: 1293-AA21) received November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

3177. A letter from the Office of the Secretary (OOREG), Department of Veterans Affairs, transmitting the Department's final rule — Ecclesiastical Endorsing Organizations (RIN: 2900-AP83) received November 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

## 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. SESSIONS: Committee on Rules. House Resolution 619. Resolution providing for consideration of the bill (H.R. 1) to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2018, and providing for proceedings during the period from November 17, 2017, through November 27, 2017 (Rept. 115-410). Referred to the House Calendar.

## 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. RASKIN (for himself and Mr. JORDAN):

H.R. 4382. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. BIGGS:

H.R. 4383. A bill to reform the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Ms. CLARKE of New York (for herself, Ms. ROS-LEHTINEN, Ms. JAYAPAL, Ms. LOFGREN, Ms. JACKSON LEE, Mr. MCGOVERN, Ms. LEE, Mr. HASTINGS, Ms. WILSON of Florida, and Mr. CORREA):

H.R. 4384. A bill to amend the Immigration and Nationality Act to provide protected

status for certain aliens present in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 4385. A bill to amend the Federal Food, Drug, and Cosmetic Act to restrict direct-to-consumer drug advertising; to the Committee on Energy and Commerce.

By Mr. DUFFY:

H.R. 4386. A bill to establish a grant program that encourages States to establish subgrant programs that encourage recipients to create, maintain, and improve digital fabrication laboratories, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DUFFY:

H.R. 4387. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to increase the allocation for rural areas, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DUFFY:

H.R. 4388. A bill to prioritize, in certain substance abuse prevention, treatment, and recovery programs, the treatment and recovery of addicted minors, and individuals responsible for the care of dependent minors who are at risk of entering the foster care system; to the Committee on Energy and Commerce.

By Mr. DUFFY:

H.R. 4389. A bill to amend section 428 of the McKinney-Vento Homeless Assistance Act to set aside funds for case management services for residents of permanent supportive housing for homeless persons, and for other purposes; to the Committee on Financial Services.

By Mr. GIANFORTE (for himself and Mr. DUFFY):

H.R. 4390. A bill to reauthorize the rural emergency medical service training and equipment assistance program under section 330J of the Public Health Service Act; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM (for herself, Mr. POCAN, Mr. GRIJALVA, Mr. CONYERS, Mr. BLUMENAUER, Ms. PINGREE, Mr. DEFazio, Mr. CARSON of Indiana, Mr. GUTIERREZ, and Mr. DANNY K. DAVIS of Illinois):

H.R. 4391. A bill to require the Secretary of State to certify that United States funds do not support military detention, interrogation, abuse, or ill-treatment of Palestinian children, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCKINLEY (for himself, Mr. THOMPSON of California, Mr. JOHNSON of Ohio, Mr. KUSTOFF of Tennessee, Mr. COURTNEY, and Ms. CASTOR of Florida):

H.R. 4392. A bill to provide that the provision of the Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs final regulation relating to changes in the payment amount for certain drugs and biologicals purchased under the 340B drug discount program shall have no force or effect, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 4393. A bill to amend the Congressional Accountability Act of 1995 to clarify that employees of the Commission on Security and Cooperation in Europe and the Congressional-Executive Commission on the People's Republic of China are to be treated as covered employees for purposes of such Act; to the Committee on House Administration.

By Ms. TITUS:

H.R. 4394. A bill to direct the Secretary of Health and Human Services to make available a public option for health insurance coverage for individuals residing in an area without a qualified health plan available through an Exchange, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. EMMER, Mr. STIVERS, Ms. BASS, Mrs. BEATTY, Mr. SMITH of Washington, Mr. PAULSEN, Mr. GALLEGO, and Mr. HECK):

H. Res. 620. A resolution strongly condemning the terrorist attack in Mogadishu, Somalia on October 14, 2017, and expressing condolences and sympathies to the victims of the attack and their families; to the Committee on Foreign Affairs.

## 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. RASKIN:

H.R. 4382.

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

Article 1, Section 8, of the U.S. Constitution and the First Amendment to the Constitution

By Mr. BIGGS:

H.R. 4383.

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

Article I of the Constitution grants Congress the power to raise revenue

By Ms. CLARKE of New York:

H.R. 4384.

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

the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. DELAURO:

H.R. 4385.

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

Article 1, Section 8, Clauses 3 and 18 of the United States Congress

By Mr. DUFFY:

H.R. 4386.

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

Article I, Section 8

By Mr. DUFFY:

H.R. 4387.

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

Article I, Section 8

By Mr. DUFFY:

H.R. 4388.

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

Article I, Section 8

By Mr. DUFFY:

H.R. 4389.

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

Article I, Section 8

By Mr. GIANFORTE:

H.R. 4390.

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

Article 1, Section 8

By Ms. MCCOLLUM:

H.R. 4391.



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

Article I, Section 8

By Mr. MCKINLEY:

H.R. 4392.

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

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. SMITH of New Jersey:

H.R. 4393.

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

Article I, Section 8, clause 18 et al.

By Ms. TITUS:

H.R. 4394.

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. 29: Mr. JONES.  
H.R. 176: Mr. WEBSTER of Florida.  
H.R. 203: Mr. SABLAN.  
H.R. 281: Mr. COFFMAN.  
H.R. 350: Mrs. BLACKBURN.  
H.R. 400: Ms. MCSALLY.  
H.R. 421: Ms. STEFANIK.  
H.R. 448: Mr. RASKIN.  
H.R. 559: Mr. WOODALL.  
H.R. 564: Mr. AUSTIN SCOTT of Georgia.  
H.R. 592: Ms. CLARKE of New York and Mrs. NAPOLITANO.  
H.R. 681: Mr. KELLY of Mississippi and Mr. WESTERMAN.  
H.R. 685: Ms. DELBENE.  
H.R. 747: Mr. ROHRBACHER.  
H.R. 754: Mr. DAVID SCOTT of Georgia and Mr. MESSER.  
H.R. 786: Ms. ESHOO.  
H.R. 795: Mr. CARTWRIGHT, Mr. KENNEDY, and Mr. GOMEZ.  
H.R. 828: Mr. O'ROURKE.  
H.R. 846: Mr. MCKINLEY and Mr. JENKINS of West Virginia.  
H.R. 896: Mr. BISHOP of Michigan.  
H.R. 912: Mr. NADLER, Mr. GOMEZ, and Ms. BARRAGÁN.  
H.R. 949: Mr. GOTTHEIMER.  
H.R. 959: Mr. SCHRADER.  
H.R. 1034: Mr. GOMEZ.  
H.R. 1120: Mr. HIGGINS of New York and Ms. MOORE.  
H.R. 1144: Mr. JOHNSON of Georgia.  
H.R. 1155: Mr. ROSKAM.  
H.R. 1158: Mrs. BUSTOS.  
H.R. 1164: Mr. HOLLINGSWORTH and Mrs. WAGNER.  
H.R. 1178: Mr. GRIFFITH.  
H.R. 1187: Ms. MOORE.  
H.R. 1205: Mr. MCKINLEY, Mr. ROGERS of Kentucky, and Mr. JOHNSON of Louisiana.  
H.R. 1229: Mr. HUFFMAN, Mr. HASTINGS, and Ms. SCHAKOWSKY.  
H.R. 1284: Mrs. COMSTOCK.  
H.R. 1318: Mr. VALADAO.  
H.R. 1379: Ms. BONAMICI.  
H.R. 1409: Mr. BRADY of Pennsylvania, Mr. YOH, Mr. PANETTA, and Mr. CULBERSON.  
H.R. 1415: Mr. CICILLINE.  
H.R. 1478: Mr. COURTNEY.

H.R. 1494: Mr. SESSIONS and Mr. EVANS.  
H.R. 1530: Mr. TROTT.  
H.R. 1566: Mr. SCHRADER.  
H.R. 1651: Ms. GABBARD and Ms. JENKINS of Kansas.  
H.R. 1661: Mr. MEADOWS.  
H.R. 1666: Mr. NOLAN.  
H.R. 1683: Mr. MCCLINTOCK, Mr. KING of Iowa, Mr. WITTMAN, and Mr. THOMAS J. ROONEY of Florida.  
H.R. 1847: Mr. EVANS.  
H.R. 1876: Mr. OLSON.  
H.R. 1953: Mr. CROWLEY.  
H.R. 1990: Mr. BIGGS.  
H.R. 2149: Ms. MCSALLY.  
H.R. 2228: Mrs. MIMI WALTERS of California.  
H.R. 2237: Mrs. BUSTOS.  
H.R. 2259: Mrs. TORRES, Mr. KHANNA, and Mr. TIPTON.  
H.R. 2276: Mr. MEADOWS.  
H.R. 2285: Mr. GRIFFITH.  
H.R. 2295: Mr. JOHNSON of Georgia and Mrs. DEMINGS.  
H.R. 2320: Miss GONZÁLEZ-COLÓN of Puerto Rico.  
H.R. 2345: Mr. TONKO.  
H.R. 2366: Mr. AGUILAR.  
H.R. 2394: Mr. BISHOP of Michigan.  
H.R. 2436: Mr. LAMALFA.  
H.R. 2452: Ms. ADAMS and Mr. PASCRELL.  
H.R. 2492: Mr. WALKER, Mr. POSEY, Mr. BISHOP of Michigan, and Mr. CULBERSON.  
H.R. 2556: Ms. ESTY of Connecticut.  
H.R. 2633: Mr. TED LIEU of California.  
H.R. 2640: Ms. ROSEN.  
H.R. 2740: Mr. SCHRADER, Mr. POSEY, Mr. KENNEDY, and Ms. GRANGER.  
H.R. 2790: Mr. ZELDIN and Mr. BROWN of Maryland.  
H.R. 2821: Mr. BIGGS.  
H.R. 2860: Mr. SCHWEIKERT.  
H.R. 2902: Mr. KEATING, Ms. ROSEN, and Mr. QUIGLEY.  
H.R. 3027: Mr. KIND.  
H.R. 3174: Ms. BLUNT ROCHESTER.  
H.R. 3221: Ms. TENNEY.  
H.R. 3287: Mr. QUIGLEY.  
H.R. 3368: Mr. BISHOP of Georgia and Ms. LOFGREN.  
H.R. 3381: Mr. BLUMENAUER.  
H.R. 3397: Miss RICE of New York and Mrs. MURPHY of Florida.  
H.R. 3427: Mr. JORDAN.  
H.R. 3444: Mr. NOLAN, Ms. SLAUGHTER, Mr. RUSH, and Mr. QUIGLEY.  
H.R. 3478: Mr. SMITH of Washington.  
H.R. 3528: Mr. TONKO.  
H.R. 3542: Mr. SCHNEIDER, Mr. POE of Texas, and Mr. SHERMAN.  
H.R. 3592: Mr. MEEKS.  
H.R. 3596: Mr. WESTERMAN, Mr. LATTA, Mr. WOMACK, Mr. SMITH of Nebraska, Mr. CRAMER, Ms. BASS, and Mr. JOHNSON of Ohio.  
H.R. 3635: Mr. AUSTIN SCOTT of Georgia and Mr. CARTER of Georgia.  
H.R. 3637: Mr. SOTO.  
H.R. 3692: Mr. LANCE.  
H.R. 3730: Ms. SLAUGHTER.  
H.R. 3748: Mr. AGUILAR.  
H.R. 3770: Mr. AGUILAR.  
H.R. 3784: Mr. COHEN and Mr. BOST.  
H.R. 3798: Mr. BISHOP of Michigan.  
H.R. 3814: Ms. SHEA-PORTER.  
H.R. 3822: Mr. PERRY.  
H.R. 3887: Mr. BEYER.  
H.R. 3925: Mrs. BUSTOS.  
H.R. 3931: Mr. BLUMENAUER.  
H.R. 3956: Mr. VALADAO.  
H.R. 3976: Mr. POSEY, Mr. COFFMAN, Mr. WESTERMAN, Mr. SENSENBRENNER, Mr. JONES,

Mr. FRANCIS ROONEY of Florida, and Mr. DEFAZIO.

H.R. 3978: Mr. WILLIAMS, Ms. TENNEY, Mr. MESSER, Mr. ZELDIN, and Ms. SINEMA.  
H.R. 3988: Mr. FITZPATRICK.  
H.R. 4049: Mr. SABLAN.  
H.R. 4082: Mr. CARBAJAL, Mrs. TORRES, Mr. COURTNEY, Mrs. WATSON COLEMAN, Mr. SIRES, Mr. ELLISON, and Mr. AL GREEN of Texas.  
H.R. 4101: Mr. COLLINS of New York, Mr. MESSER, Mr. BARLETTA, and Mr. PEARCE.  
H.R. 4115: Ms. BLUNT ROCHESTER and Mrs. DAVIS of California.  
H.R. 4122: Mr. SUOZZI, Mr. GRIJALVA, Mr. KHANNA, Ms. TSONGAS, and Ms. WASSERMAN SCHULTZ.  
H.R. 4132: Mr. JONES.  
H.R. 4207: Mr. COFFMAN.  
H.R. 4209: Mr. BEYER.  
H.R. 4215: Mr. BLUMENAUER.  
H.R. 4222: Mr. SWALWELL of California.  
H.R. 4231: Mr. GIANFORTE and Mr. FRANCIS ROONEY of Florida.  
H.R. 4239: Mr. ABRAHAM.  
H.R. 4240: Ms. TITUS, Mr. PETERS, Mr. TONKO, Mr. SCHIFF, Mr. HOYER, Ms. SCHAKOWSKY, Mr. POCAN, Mr. YARMUTH, and Mr. VELA.  
H.R. 4253: Mr. WELCH.  
H.R. 4258: Mr. ROSS.  
H.R. 4263: Ms. SINEMA, Mr. HOLLINGSWORTH, and Mr. STIVERS.  
H.R. 4265: Mr. DAVID SCOTT of Georgia.  
H.R. 4267: Mr. ROYCE of California, Mr. HIMES, Mrs. BEATTY, and Mrs. WAGNER.  
H.R. 4274: Mr. OLSON, Mr. BANKS of Indiana, Mr. GIBBS, and Mr. JORDAN.  
H.R. 4278: Mr. BARR.  
H.R. 4292: Mr. ROYCE of California and Ms. SINEMA.  
H.R. 4295: Mrs. BLACK.  
H.R. 4300: Ms. JACKSON LEE, Mr. JONES, Mrs. RADEWAGEN, and Ms. KAPTUR.  
H.R. 4306: Ms. MOORE.  
H.R. 4310: Mr. BARLETTA.  
H.R. 4316: Mr. BLUMENAUER.  
H.R. 4324: Ms. TENNEY and Mr. ZELDIN.  
H.R. 4328: Mr. KENNEDY.  
H.R. 4334: Mr. COHEN and Mr. CÁRDENAS.  
H.R. 4335: Mr. COFFMAN.  
H.R. 4336: Mr. FRANCIS ROONEY of Florida.  
H.R. 4372: Mr. BYRNE and Mr. LEWIS of Minnesota.  
H.R. 4375: Ms. ESTY of Connecticut.  
H. Con. Res. 57: Mrs. WALORSKI.  
H. Con. Res. 90: Mr. ROYCE of California, Mr. ENGEL, Mr. MCGOVERN, Mr. FITZPATRICK, Mrs. WAGNER, Ms. SPEIER, Ms. SLAUGHTER, Mr. CONNOLLY, Mr. CICILLINE, Mr. ESPAILLAT, Mr. SHERMAN, Mr. CASTRO of Texas, Mr. KEATING, Mr. SIRES, Mr. TED LIEU of California, Ms. SCHAKOWSKY, Mr. RASKIN, Mr. MCCAUL, Mr. GARRETT, and Mr. DONOVAN.  
H. Res. 129: Ms. ROS-LEHTINEN.  
H. Res. 282: Ms. ESTY of Connecticut.  
H. Res. 336: Mr. CONNOLLY, Mr. SHERMAN, Mr. ROYCE of California, and Mr. CICILLINE.  
H. Res. 401: Mr. SCHNEIDER.  
H. Res. 466: Mr. COFFMAN, Mr. KIHUEN, Ms. ROSEN, Mr. MOULTON, Ms. CASTOR of Florida, and Mr. BISHOP of Michigan.  
H. Res. 516: Mrs. NAPOLITANO, Mr. TED LIEU of California, Ms. ROYBAL-ALLARD, Mr. GARAMENDI, and Mr. AGUILAR.  
H. Res. 529: Ms. JAYAPAL and Mr. TED LIEU of California.  
H. Res. 576: Mr. FLEISCHMANN.  
H. Res. 604: Mr. REICHERT and Mr. KIND.  
H. Res. 610: Mr. SESSIONS.



United States  
of America

# Congressional Record

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

Vol. 163

WASHINGTON, TUESDAY, NOVEMBER 14, 2017

No. 186

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN SASSE, a Senator from the State of Nebraska.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, as the waters fill the sea, let America be filled with people who know You. Help our citizens to live for Your honor. Increase our faith, hope, and love, that we may receive Your promises.

Lord, be merciful to our Nation, for You are our hope. Today, inspire our lawmakers with the music of Your wisdom, that they may bring hope out of despair and joy out of sadness. Teach them to celebrate even in the darkness because You are the God who saves us. Give us all the strength to not become weary in doing what is right, knowing that in due season a bountiful harvest will come.

We pray in Your great 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 senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 14, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BEN SASSE, a Senator from the State of Nebraska, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### TAX REFORM

Mr. MCCONNELL. Mr. President, tax reform represents our best chance today to get the economy living up to its true potential, and it is a once-in-a-generation opportunity.

The last time major tax reform happened was more than 30 years ago. In the years since, our country, our economy, and the global marketplace have changed in profound ways. Moreover, the lingering economic challenges of the last decade only compound the urgency to get this done.

Jobs went overseas. Wages didn't grow like they should have. Hard-working families worried if they would be able to send their kids to college or save for retirement. It is clear that families and small businesses had a rough go of it during the Obama economy.

They deserve relief. They deserve the chance for something better. Tax reform is an important way to help get the economy, jobs, and opportunity moving again in a serious way.

Listen to this small business owner and franchisee from Lexington, KY. She recently wrote to my office expressing the need for tax reform: "With the rising cost of doing business," she wrote, "and the [g]overnment regulations that have been imposed on small businesses over the past several years, we desperately need tax relief and com-

petitive rates. The current high tax rate that I pay," she continued, "reduces the amount of earnings I can invest into my businesses, [into my] employees, and [into my] community."

For small business owners in Kentucky and throughout the country, we want to make it easier to grow, invest, and hire. For families everywhere, we want to make taxes lower, simpler, and fairer. In short, we want to take more money out of Washington's pockets and put more in the pockets of the middle class. That is why we are pushing tax reform.

Yesterday, the Senate Finance Committee began to mark up its tax reform legislation. The meetings this week represent the next step in a years-long campaign, which included dozens of hearings and significant input from both sides.

Chairman HATCH said yesterday:

First and foremost, this legislation will provide much-needed tax relief to American workers and families. It reduces rates across the board, particularly for those in the middle class who have struggled to get through the past 8 years of economic stagnation.

Indeed, under the Finance Committee's proposal, the typical American family of four earning the median income could see a tax cut of nearly \$1,500.

As these hearings continue, I would like once again to commend Chairman HATCH for his leadership of the committee and his commitment to regular order. As the tax proposal advances through an open process, members of the Finance Committee will consider many of the hundreds of amendments that have already been filed on the bill. Once the committee completes its work, the bill will come before the full Senate.

Along with our colleagues in the House, as well as President Trump and his team, we will continue to push for tax reform to fulfill important shared goals for our country. We have a lot of work ahead of us, but we are committed to getting this done for the

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



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American people. I hope that our Democratic friends will join us.

As I said before, until very recently, our colleagues on the other side of the aisle used to support many of the ideas included in this bill. The underlying ideas haven't changed. The urgent need for tax reform hasn't changed. The only thing that has really changed is the occupant of the White House. So I hope Senate Democrats will put aside partisanship and work with us in a serious way to deliver this much needed relief to small businesses and the middle class.

#### NOMINATION OF DAVID ZATEZALO

Mr. McCONNELL. Mr. President, in addition to the other work being done by the committees, the Senate is continuing to confirm qualified and talented nominees sent to us by the President. Yesterday we confirmed an important official for the Department of Transportation, and today we will confirm another.

Then, we will advance the nomination of David Zatezalo to serve as the Assistant Secretary of Labor for Mine Safety and Health, a position of particular importance in my home State of Kentucky, where mining supports thousands of good jobs.

Mr. Zatezalo has spent a lifetime working in the mining industry. He began as an underground coal miner and worked his way up through the ranks to most recently lead a mining company based in Lexington, KY. He knows about various levels of the business, which would be an important asset as he works with operators, miners, and inspectors to ensure that mining operations are safe for our Nation's mine workers.

Having begun his career as a coal miner himself and having later managed and operated a number of mines, Mr. Zatezalo has a keen understanding of the challenges and risks sometimes associated with mining. This firsthand experience will serve him well in his new role. As Assistant Secretary of Labor for Mine Safety and Health, Mr. Zatezalo will be given the responsibility to reduce workplace accidents and promote safe and healthy workplaces for miners.

I strongly support his nomination to serve in this role, and I would ask my colleagues to join me in advancing this nomination.

#### 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 and resume consideration of the Bradbury nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DACA

Mr. DURBIN. Mr. President, it was 16 years ago that I introduced a bill known as the DREAM Act. The purpose of the DREAM Act was to give undocumented young people brought to the United States under the age of 18 an opportunity to go through a background check and to earn their way to legal status—16 years ago. The bill passed the Senate at various times and it passed the House, though never quite in the same year at the same time.

Now we face a crisis, literally. It is a crisis involving hundreds of thousands of these young people across America. It was just September 5 when the President of the United States announced that he was going to eliminate DACA.

DACA was the Executive order of President Obama that allowed these Dreamers to come forward, pay a filing fee of about \$500 or \$600, submit themselves to a criminal background check, and, after that background check, if they cleared it, to be given a 2-year allowance to live in the United States without fear of deportation—2 years at a time—and the legal capacity to work. That was what DACA was about.

So 780,000 young people did it. They came forward. They surrendered the information about themselves and their families. They submitted themselves to criminal background checks, and they ended up getting the protection of DACA. They went on to go to school, to go to work, to become teachers or engineers, to go to medical school, and to do things that really mean that they will have a future in this country that will be a benefit to them and to all of us.

So President Trump said that program will end on March 5, 2018, and he established a deadline, for those who were going to see their DACA eligibility end during that period of time, for them to renew. The deadline was October 5. It meant that they had to come forward with the filing fee and at least apply to go through the process again. It was quite a hardship on many of these young people to come up with the money for the filing fee and to realize that the clock was ticking in a very

meaningful way about their ability to protect themselves. Many of them stepped forward and asked for help from families, from churches, and from friends to come up with the filing fee to make sure that they renewed their DACA eligibility in time.

Let me tell you what happened to some of them who went through this process.

Here is one case. On September 14, Allison Baker, a lawyer for the Legal Aid Society in New York, sent one of these young individuals' application to renew this permit that would let him stay and work in the United States legally as part of DACA. The date of September 14 should be remembered because the deadline for filing was October 5. To be sure, this lawyer sent this renewal application for this young man by certified mail. Back in the day when I practiced law, that was one way to make sure you had written proof of when you actually mailed something far in advance of a deadline. Tracking data from the U.S. Postal Service showed that the envelope arrived in Chicago on September 16. It was mailed from New York on September 14 and arrived in Chicago September 16, on its way to a regional processing warehouse of the U.S. Citizenship and Immigration Services, the agency that administers the program known as DACA.

Then the packet started circling the Chicago postal system in a mysterious holding pattern. From September 17 to September 19, it was in transit to destination, according to the Postal Service. Then its tracking whereabouts disappeared until October 4, where, once again, the Postal Service assured the sender that it was "on its way."

On October 6, the day after the deadline, this certified application, which was sent on September 14, arrived, and the application for this 24-year-old man was rejected by our government.

He wasn't alone. We know of at least 33 other cases just like this. Congressman LUIS GUTIÉRREZ, of my State of Illinois, told the story of another application renewal sent on September 13 for an October 5 deadline. It arrived on October 6, as well. Another sent their paperwork on September 21. It wasn't received until October 9. What Congressman GUTIÉRREZ said is very obvious: Because somebody else did not do their job correctly, we are taking innocent young immigrants and making them deportable. That is unacceptable, Congressman GUTIÉRREZ said.

What does the U.S. Postal Service have to say about what I just read to you, those two or three cases? On Thursday, in a rare admission from a Federal agency, the U.S. Postal Service took the blame. David Partenheimer, a spokesman for the Postal Service, said that there had been "an unintentional temporary mail processing delay in the Chicago area."

Remember what I am saying here. Young people, undocumented had applied successfully and had been accepted into the DACA Program. The President announced he was going to end

the program, and those—many of them—had to re-sign up, renew, by October 5. They did it. They mailed it. Their application didn't arrive in time.

It doesn't take a big leap of faith or intelligence to realize what should be done. Clearly, this agency should be giving these young people a chance. Once again, they have done everything they can think of to comply with the law and trust our government. They trusted our government to give them DACA status to allow them to stay in the United States, and they trusted the Postal Service, in a matter of 2 weeks, to be able to deliver a letter.

Yesterday I spoke to the USCIS Director, Francis Cissna, and I asked him about this. I said to him: There must be a way for us to acknowledge the obvious. These young people, in good faith, did everything we could ask of them to comply with the law, and now they have been rejected. Now they are subject to deportation because the Postal Service didn't do its job. I asked him: Are you prepared to at least reconsider this decision and give them a chance to renew their DACA status?

He said he was aware of the situation and that it was being considered at the highest levels of the Department of Homeland Security.

I raise this issue because real lives are at stake. These are real people. These are young men and women who are doing everything they can think of to become part of America's future. They are hiring lawyers, they are raising money, and they are filing the documents that are asked of them in the hopes they can stay in the United States of America, and the system is fighting them every step of the way. In this situation, this is totally unfair.

Our government is better than this. Our people are better than this. Our values are better than this. I am pleading with the Department of Homeland Security and those who are seeking positions in that Department to show some common sense and a little bit of heart when it comes to these young people who are simply trying to make a future for themselves and a better United States of America.

#### REPUBLICAN TAX PLAN

Mr. President, this week, Republicans in Congress are determined to barrel ahead at full speed in a rushed, partisan effort to pass a tax plan at any cost. Make no mistake, for working families in Illinois and across the United States, this is a mistake.

Preliminary analysis from the non-partisan Joint Committee on Taxation revealed that by 2019, more than 13 million Americans who make less than \$200,000 a year will experience not a tax cut but a tax increase under the Senate Republican plan. That number jumps from 13 million to 21 million by the year 2025.

In my State of Illinois, taxpayers at every income bracket are going to see their taxes increase for this tax reform that is being pushed through at the last minute of this session.

Fourteen percent of the middle fifth of taxpayers in Illinois—those who are the very definition of middle income—will see an average tax hike under the Senate plan of \$1,400. So much for a tax cut. It is a tax increase. Mr. President, I don't know about taxpayers in your State, but in my home State of Illinois, a \$1,400 tax hike is a gut punch to a working family.

That is not all. Further analysis from the Center on Budget and Policy Priorities shows that in addition to the millions of households which will see their taxes rise under this Senate Republican plan, 53 million households—that is 40 percent of all households earning less than \$200,000 per year—will see no significant tax change under the new plan.

Let's be clear. If you are a middle-income family listening to that and you are thinking you might want to take your chances under this Republican plan, please look at the facts. Even if you are one of the lucky ones who manage not to pay more under the Republican tax plan, make no mistake, when this plan blows a \$1.5 trillion hole in our Nation's deficit, it will be working families who end up paying the bill.

When Republicans' fake math indeed falls short and the deficit is skyrocketing, the Republican budget has already identified how they are going to pay for these tax cuts in the future. Are you ready? They are going to do it with an additional \$470 billion in cuts in Medicare benefits—Medicare. They are paying for a tax cut for wealthy people by reducing the benefits paid out under Medicare to retired Americans and another \$1 trillion cuts in Medicaid. Remember Medicaid? That is the program where the major expense is to maintain the lives and health of two-thirds of Americans who are in nursing homes.

So the Republicans want to give a tax break to the wealthy. They are going to ask seniors who are retired to pay more or receive less from Medicare and make a dramatic cut in Medicaid as well. There is no hiding. Congressional Republicans have made clear that one way or another, working families in America are going to pay for what they call tax reform. At the heart of the Republican playbook for how to bankroll massive tax cuts for the wealthy few and the largest corporations is the elimination of three vital tax breaks for working families.

The House Republican plan will be voted on this week. They are dead set to get this done in a matter of days, and they are going to eliminate in the House plan the medical expense deduction. What does that mean? It means, if someone in your family is diagnosed with a serious illness—God forbid, cancer or whatever it is—and your family ends up incurring massive debts, making sure that person survives, if you incur those debts, you currently can deduct them from your taxes that you pay, but the House Republican plan eliminates the deduction.

In my State of Illinois, 370,000 or more used the medical expense deduction. Their medical bills are that high. The Republicans in the House eliminate that deduction. That isn't going to help working families. It puts them at risk of bankruptcy. The No. 1 reason for bankruptcy in America is medical bills. The House Republican tax plan makes it tougher. More than 370,000 Illinoisans claim an average of a \$10,000 deduction for medical expenses, for hospital care, long-term nursing home care, prescription drug costs. That is just wrong.

There is more. The House plan also eliminates the student loan interest deduction. Think about that for a second. Here, we have 1.5 million young people in Illinois paying off student loans. You know what they face: \$20,000, \$40,000, \$60,000, \$80,000 in debt. Some of them are still living in their parents' basement because of their student loans. We give them one little break. You know what it is? The deductibility on the interest on student loans, and yet here comes the Republicans to eliminate that deduction.

Why would we ever want to make it harder for these students and their families to pay off that mountain of debt that they incur going to college? But that is part of the so-called Republican tax reform.

They also include the one provision I know my colleague from New York, the Democratic leader, feels very intensely about because our States share the same problem. This compromise proposed in the Senate eliminates the State and local property tax deduction for State income tax, sales tax, and property tax currently in New York and Illinois and many other States. We hold to the basic principle, Americans should not have to pay a tax on a tax.

Unfortunately, the Republicans in the Senate believe they want to change that. The net result of that is to increase dramatically the burden so many taxpaying families already face. We have seen increases in our State income tax. We face regular increases in property taxes. This is the one deduction that gives these families a little bit of help, and Republicans are eliminating it.

It was a week ago when I had a press conference with the Realtors in my State and the homebuilders, who are dramatically opposed to the elimination of this deduction and other changes that are being made when it comes to purchasing homes and homeownership. They have told me: If you want real economic growth in Illinois or any State, you start with people who are building and buying homes. Sadly, the Republican approach, when it comes to tax reform, refuses to take that into consideration.

We need to stand up for working families in our States of Illinois and New York and across this Nation. This tax reform plan that has been proposed by the Republicans, who are determined to get it done in just a matter of a few

days, is going to be damaging to so many, and it is not going to help America grow. Middle-income families are going to pay for the cost of giveaways to the wealthiest taxpayers in America.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

THANKING THE SENATOR FROM ILLINOIS

Mr. SCHUMER. Mr. President, first, let me thank my dear friend and colleague from Illinois. As I have always maintained, he is one of the most articulate and eloquent Members of this Senate, on either side of the aisle, and it is a joy to listen to him—not the subject but the way he articulates it, the subject we are interested in but not happy about, which is the tax bill.

REPUBLICAN TAX BILL

Now, Mr. President, Senator McCONNELL always comes down and says: I hope the Democrats will join us in the tax reform bill. Mr. Leader, Mr. Republican leader, we want to join you, but that doesn't mean you write a bill behind closed doors and then say support it.

The way we have done tax reform successfully in the past—I was there in 1986—is Democrats and Republicans sat down together and came up with a bill that maybe a few in each party wouldn't support, but the mainstreams of both parties would. It avoids the secrecy. It also avoids one or two Members saying: Unless I get this, I am not going to be for the bill—which pulls the bill in many different directions.

So, Mr. Leader, yes, Democrats do want to join this, but it is totally disingenuous, not honest of you, to say that without letting us sit at the table, without letting us see the bill. So let's knock it off. You want to do a bill with just Republicans, fine. You tried it with healthcare. You are trying it with tax reform. It is a lose-lose. You will either not pass the bill or you will pass the bill that was enshrouded in secrecy that will have so many problems every Republican who votes for it will regret it.

Yesterday's markup in the Finance Committee indicated the same thing. The markup of the Republican tax bill wasn't the actual bill. It was "a preliminary draft." How do we know it wasn't the real bill? Well, today the Finance Committee has notified us that instead of continuing the markup as usual, the committee will recess after a morning session because the Republicans are not ready with their replacement bill—the real one.

This is crazy. The President, who doesn't know what is in the bill—we all know that—has set an arbitrary deadline, and to meet that deadline, our Republican colleagues are sacrificing the integrity of the process and the quality of the bill.

We are 2 days into a markup, halfway, and Democrats haven't even seen

a real bill yet. In their desperate rush to get this bill through Congress, Republicans started by marking up a bill that is not even the one they intended to pass. It is a bait and switch. It is the perfect example of the problem with rushing a bill of this magnitude through Congress.

Republicans can't keep up with their own reckless, breakneck pace, and they are going to have to delay the markup. This same problem is going to repeat itself over and over again on issues of greater complexity and consequence.

What happens when Republicans realize their new international tax regime encourages scores of new tax savings and avoidance schemes? What happens if the independent analysts say their new loophole for passthrough businesses doesn't have enough guardrails? What happens if the House and Senate are unable to reconcile their disparate approaches to slashing State and local deductions?

In the New York Times this morning—I commend all my Republican colleagues to read it—they identified new potential problems in this Republican tax bill, problems the writers hadn't thought about, but corporate lawyers by the dozens, by the scores, by the hundreds will find a way to walk through these loopholes, even though our Republican colleagues didn't intend those loopholes to exist. You can be sure that for every 1 of these loopholes, these misadventures, the Times identified, there are 5 or 10 more lurking in the print, in the fine print. The only question is whether our Republican colleagues find them now or find them out later when it is too late after the bill passes.

Instead of rushing through a bill of such enormous complexity, sunlight is the great fermenter of this type of legislation. If it lies out there for a little while, people come in and say: This is wrong or that is wrong. Those will be individuals, those will be pundits, those will be the companies our Republican friends are trying to help. They will say: Wait a minute; this doesn't quite work because no one has had a chance to really see it, examine it, and let it stew.

Now we are asked for other significant changes. What happens if, as we have seen, every few days President Trump tweets, asking the Republicans to change their bill, and this time they repeal the individual mandate and drop the top rate, as he asked them to do yesterday? Each of these decisions has enormous, drastic consequences for American families and American industries.

President Trump's crazy idea to repeal the individual mandate as a part of this bill, according to CBO, would boot 13 million people from the health insurance rolls and cause premiums to skyrocket, all to pay for a bigger tax cut at the top bracket—the wealthiest people in America. What a toxic idea. Are any Republicans going to go home and campaign on that? We are going to

get rid of the individual mandate, kick 13 million people off healthcare, and raise premiums so we can lower the top rate when no one—no one but the hard right—is clamoring for it?

Income distribution is a problem in America. We all admit that we have different solutions for it. So be it. But I haven't heard, as I did in the 1980s, 1990s, or even the early 2000s, a clamoring to lower the top rate, even among those who pay it. They know they are doing well. Wealth has gone way up in America, and it has gone to the top. That is not what we need. It is a toxic idea. Yet Republicans may have to consider adding it to the bill to placate a restless and uninformed President, who, we all know, knows very little of what is in this bill. He just tweets. Somehow our Republican colleagues, instead of ignoring the tweets, pay attention to too many of them.

Yesterday, the nonpartisan Joint Committee on Taxation said that they would not be able to properly analyze the effects of the Republican tax bill in the time they have planned for it. So we are not even having the JCT—nonpartisan, respected for decades—analyze the bill before we are going to vote on it in the committee and maybe on the floor.

Again, the Republican leadership in the House and Senate will ask their Members to vote on a major bill without knowing the consequences. In no world is this proper legislative procedure. No party has ever done this before—Democrats, Republicans, Whigs, Anti-Federalists, Democratic-Republicans, Federalists. We have never seen this before. It is so wrong.

We see so many things that ail this country, and I have to say a lot of them stem from the top—from the President. Yet our Republican colleagues are still fearful of ignoring him, of not listening to ideas they know are ludicrous.

The rush is because my Republican friends, fearful of the President and his self-imposed deadline, are trying to hide a bill that would transfer even more wealth to the superwealthy while raising taxes on millions of middle-class Americans.

According to the Joint Committee on Taxation, of all taxpayers making less than \$200,000 a year, 13 million would see a tax hike in 2019, and 20 million would see a tax hike by 2027. Both Leader McCONNELL and Speaker RYAN said that they would not raise middle-class taxes. They had to back off. For working Americans who do get a tax cut, the average is so small compared to what folks at the top are getting. Americans making \$40,000 to \$50,000 a year get an average cut of \$480, while folks making over \$1 million will get a tax cut of \$50,000—100 times more than what working families get. They can say: Well, that is because the wealthy are richer. But that is not what we need in America right now. The wealthy are getting wealthier. They are doing fine, even under the present

tax regime. Middle-class people's median income has been going down over the last decade. It is harder for middle-class people to average—it shouldn't be OK for them to get \$500 and the wealthy to get \$50,000. We ought to be directing the tax cuts at the middle class.

Republicans—Trump's organization—had an ad on TV. They said that wealthy people's tax rates remain the same, while the middle class gets a cut. That is false advertising because, when we compare apples to apples, the wealthy get a much larger cut than the middle-class people.

We have known for weeks that the longer this bill is in effect, the worse it gets for the middle class. To stay within deficit numbers, the JCT confirmed that under the revised House bill, entire middle-income groups will see a tax hike, on average, just a few years down the road. Speaker RYAN and other Republicans say that those tax hikes will not happen because future Congresses will extend certain tax breaks in perpetuity. If that is true, all the deficit hawks ought to pay attention. There is a gigantic hidden cost to the bill if we are going to make these tax cuts temporary in this bill and then make them permanent.

The scores this week will say that these bills blow a \$1.5 trillion hole in the deficit over the next decade. That is bad enough. But if a bunch of breaks, deductions, and expansions that are now temporary are made permanent, as the Speaker says they will be, the real cost will be hundreds of billions, if not trillions, more. All of my Republican friends who care about the deficit should be wary of this gain.

We do need permanence. We need corporate America in particular to be relying on a permanent change. But you can't do a permanent change without blowing a hole in the deficit, so you do a temporary change. There is a simple solution, which, if Democrats and Republicans work together, we could do: Close corporate loopholes, lower the top rate, keep the corporate reduction deficit-neutral and permanent. My guess is most corporate leaders would prefer that. They would prefer less of a tax decrease and more permanence because you can't build a factory or make a major investment if you know that the decrease is going to vanish.

We shouldn't be rushing through such an ill-conceived, backward bill—breaking the fine traditions of this body, busting the deficit, breaking the backs of millions of middle-class families, making the funding of defense far more difficult when there is so much agreement between our two parties on tax reform. On healthcare, it is hard to agree; the visions are diametrically opposed. But on tax reform, that is not true. Our Republican friends are just bollixing this up. Somehow they had in their heads that they had to do it through reconciliation. They had to do it without Democrats, and the result is a very poor product that most Ameri-

cans already don't like and even more will not like as they learn more about it.

We all want to reduce the burden on small businesses. We all want to encourage companies to locate jobs here. We could put together a bill that does those things. This bill doesn't.

If Republicans turn their backs on this deeply flawed approach, my commitment to so many of my colleagues on the other side of the aisle—who I know are squirming about this bill—is that we will come together and put a good bill together that a majority of both parties can support—both parties. That is how it ought to be done.

#### PRESIDENT'S TRIP TO ASIA

As President Trump returns from his week-long trip to several Asian nations, it is worth asking: What did America get out of his trip?

Did he forcefully confront the Chinese leaders about our imbalanced and unfair trade system, where we play by the rules and the Chinese do not? No. He said that China's behavior was not their fault and blamed American leaders instead for China's trade abuses.

Even if he believes that, what is the point of saying it? He is encouraging China to keep doing what they have been doing all along if he thinks they are not to blame—letting them off the hook. Why? Because Xi gave him a red carpet?

I have never been so ashamed of a foreign trip in my years. It is just inside out. We attack our friends, and the people who have given us the most trouble—China and Russia—we mollycoddle. That is so bad for the future of this country.

Did President Trump engage the various regional powers in a project of great importance, curtailing and containing the rogue North Korean regime? No. He settled for a sophomoric exchange of insults on Twitter, far below the dignity of the office. Then he came back and bragged about the great ceremony and how well he was treated. Xi played the President. He played the President. Every American should be embarrassed.

I heard one commentator say this morning that this trip cemented China as the leading power of the world, not because they have more economic power, not because they have greater intellectual ideas, not because they are better people but because Xi is dominating and smart, and the President so susceptible to flattery. It is demeaning to the United States and its role in the world.

Then, to add insult to injury, he seems to have a love for dictators. In the Philippines, where a strongman leader is engaged in a vicious campaign of extrajudicial killings, did Trump admonish him? Did Trump uphold the beacon of the United States as the noblest power in the world? No. He lectured and unsettled our allies while emboldening our adversaries, like China and Russia, by treating them with kid gloves and making it clear

that all they have to do is say a few flattering words and the United States will drop the interests that our people are so dependent on.

All in all, President Trump's trip was a colossal flop and embarrassment. He seemed far more interested in pomp and circumstances, red carpets, fancy meals, and the flattery of foreign leaders than in advancing vital American interests in a region that is increasingly looking to China for leadership. After the President's performance, those countries are going to turn more to China. At least they have strength and direction, even though China will take advantage of them, for sure, as they have taken advantage of us.

It is a sad state of affairs when the simplest of strategies—flattery—can derail an entire foreign trip and undercut American influence in the world. President Trump was played for a fool by China's leaders, and he enthusiastically accepted the role.

The President of the United States—this great, grand country we love—is supposed to be the single strongest voice and advocate for our national interests. If he will not stick up for America, her interests, and her values on the world stage, who will?

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. RISCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

#### TAX REFORM

Mr. RISCH. Mr. President, thank you. I rise to speak about the tax reform issue and the tax reform effort that is front and center for this Congress and for all Americans. Particularly, I want to point out the fact that Congress has not undertaken this difficult task for over 30 years, and for anyone who has been involved in this, they now realize how difficult it really is.

In the years since the last major overhaul, Congress has, by patchwork, added numerous carve-outs and special interests, passed short-term tax extenders, which have made planning for families and businesses very difficult, and has generally contributed to a tax code that today is extremely complex, burdensome, and unpredictable.

My colleague from Idaho Senator CRAPO has stated that we couldn't have done worse if we had set out intentionally to do worse. Many of my colleagues and I have heard story after story from our constituents who have said the same thing. The Tax Code makes it hard for families and businesses, especially small businesses, to comply and plan ahead, let alone grow and prosper. This conversation hasn't gone away, so clearly the system, as it stands, is not serving the American people as it should.

It is imperative for the continued growth of the American economy that



we simplify the system, reduce complexity, and create certainty. Tax reform will bring relief to American families. Under the plan released by the Senate Finance Committee, middle-class Americans will see a benefit in the form of a lower tax bill, which means more money for households to bring home. In addition to keeping more money in the pockets of hard-working Americans, the Senate plan nearly doubles the standard deduction, increases the child tax credit to help families with the very real costs associated with raising a family, and preserves an existing tax credit to help care for elderly family members. This tax plan would also make it easier for individuals and families to avoid a time-consuming and expensive tax-filing nightmare by simplifying the Tax Code and eliminating deductions.

The aim of this entire exercise is to make the Tax Code simpler, fairer, and easier to comply with, reducing the burden on taxpayers and creating an environment that enables families and businesses to thrive.

Tax reform will help grow small businesses. As chairman of the Senate Small Business Committee, I have focused on highlighting small business issues in this tax reform process. The ranking member, Senator SHAHEEN, and I held a bipartisan hearing in June to talk about tax policies that would most benefit small businesses across the country. As a result, we sent a bipartisan letter to the Senate Finance Committee, which was drawing this bill, to outline the policies we determined were most important. The topline issue was the need to address the individual Tax Code along with the corporate Tax Code. Most of the Nation's small businesses are organized in a way that they pay taxes through the individual code. It is amazing they managed to create the majority of new jobs in America, despite facing this higher tax rate, with the added burden of spending time and money away from businesses to comply with this complex Tax Code. Thankfully, Ranking Member SHAHEEN and I are not the only ones who heard this message, and lower rates for small businesses is part of this conversation.

Small businesses have identified tax policies that work for them, along with changes that could be made to help more of them across the country. Two of the examples are the cash method of accounting and section 179 expensing. Cash method accounting is a simpler way for small businesses to keep their books, and section 179 expensing allows small businesses to immediately deduct the cost of investing in their business up to a certain amount. Both of these commonsense policies will reach more business owners in tax reform.

I am encouraged by the plan the Senate Finance Committee released last week and the process they are undertaking this week to move this bill forward. With tax reform, we have a real opportunity to make changes that will

have a tangible, positive impact on the American people and create an environment for our Nation's job creators to prosper. I am excited to see the kind of job creation that will result from the changes we are considering, and I look forward to working with my colleagues to make this a reality.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### YEMEN HUMANITARIAN CRISIS

Mr. MURPHY. Mr. President, my colleagues, cholera is a truly awful way to die. It is a manmade disease, a man-caused disease that this world could easily eradicate from existence. You become so dehydrated, you vomit so much liquid, your body dispenses so many nutrients, so much water through unending diarrhea, that your body is thrown into shock. You literally die from vomiting and diarrhea, sometimes over the course of hours, sometimes over the course of days, sometimes over the course of weeks.

Inside Yemen today, by the end of this year, there will be 1 million people diagnosed with cholera.

This picture I have in the Chamber is a hard image to see. I will replace it with this one.

One million people will be diagnosed with cholera. Thousands and thousands inside Yemen today are dying because of this disease. There is a humanitarian catastrophe inside this country—which very few people in this Nation can locate on a map—of absolutely epic proportions. This humanitarian catastrophe, this famine—one of four famines across the world today—is being caused in part by actions of the United States of America, and it is time that we do something about it as a body.

As we speak today, the Saudi-led coalition that has been engaged in an incessant 2-year bombing campaign in Yemen is blockading Yemen, not allowing any humanitarian relief, not allowing fuel or food or water to get into the country.

The coalition's blockade has grounded U.N. flights. It has prevented humanitarian workers from flying in and out of the country. It has barred ships from delivering lifesaving food, fuel, and medical supplies. A 25,000-metric-ton World Food Programme ship is currently, as we speak, being denied access to the port. As we speak today, hospitals and aid organizations inside Yemen are shutting down because they do not have enough fuel to continue operating. Vaccines will run out in the country by the end of the month. Prices for food and medicine are spiking such that they are unaffordable to

the majority of Yemenis. Because of cholera alone, 2,000 people have died. Thousands of other civilians have died because of other humanitarian nightmares, including a lack of access to the medical system.

I mentioned that the blockade is being run by the Saudi-led coalition. The United States is a member of that coalition. For 2 years, the United States has been aiding the Government of Saudi Arabia in a bombing campaign of the Houthi-controlled areas of Yemen. That bombing campaign caused this outbreak of cholera. Why is that? The bombing campaign deliberately targeted the electricity grid of Yemen in and around Sana'a, the capital controlled today by the Houthis. The water treatment facility runs on the electricity from that grid.

As you can read in a lengthy story in the New York Times from 2 days ago, the country no longer has the ability to treat water that goes to its capital because the Saudi-led bombing campaign has knocked out electricity. The fuel that has helped temporarily run the water treatment facility is no longer available either because the Saudi-led bombing campaign has targeted the infrastructure that allows for fuel to be delivered. So today the water is undrinkable. It is toxic. Yet, because there aren't other supplies of water, millions of Yemenis are ingesting it. They are eating food that is also toxic because of the inability to treat water, because of the flow of sewage and feces throughout the capital city, and almost 1 million people have contracted cholera.

That bombing campaign that targeted the electricity infrastructure in Yemen could only happen with U.S. support. It is the United States that provides the targeting assistance for the Saudi planes. It is U.S. refueling planes flying in the sky around Yemen that restock the Saudi fighter jets with fuel, allowing them to drop more ordnance. It is U.S.-made and transferred ordnance that is carried on these planes and dropped on civilian and infrastructure targets inside Yemen.

The United States is part of this coalition. The bombing campaign that has caused the cholera outbreak could not happen without us. The official position of the State Department with respect to the blockade—which was imposed by the Saudis about a week ago—is that they should end it, at least for the purposes of allowing humanitarian resources into the country. That has not happened.

As I mentioned, there is literally a World Food Programme ship right now with 25,000 metric tons of food waiting to get into the capital to help families like this. So although that may be the official position of the State Department, we clearly aren't articulating that position to the Saudis because the Saudi blockade—which happens with U.S. military support—continues. Maybe that is because the State Department and the White House are simply operating on two different planets.

While on his trip to Asia, President Trump said that he has full confidence in the Saudi King, that he knows what he is doing. Let me tell you what he is doing. He is using starvation and disease as a weapon of war, which is in contravention of international human rights law. You cannot use starvation. You cannot intentionally cause this kind of disease in order to try to win a military conflict. So maybe the Saudis do know what they are doing, but what they are doing is a gross violation of human rights law.

It would be one thing if the United States were a mere observer, but we are a participant in this. This horror—I am sorry, it is hard to see—is caused in part by our decision to facilitate a bombing campaign that is murdering children and to endorse a Saudi strategy inside Yemen that is deliberately using disease and starvation and the withdrawal of humanitarian support as a tactic.

Last night, the House of Representatives passed a nonbinding resolution making clear that there is no legal authorization for U.S. participation in the Saudi-led campaign against the Yemeni people. Importantly, the resolution also made clear that there are multiple bad actors in Yemen today. The vast majority of cholera cases today—I think upwards of 80 percent—are in Houthi-controlled areas. But the Houthis do not have clean hands, and their patrons, the Iranians, do not have clean hands. There have been human rights abuses and attacks on civilian targets by the Houthi forces as well.

The Iranians should stand down immediately, as should the Saudis, as they continue to whip up this proxy war between regional powers that is killing civilians inside Yemen, but without U.S. leadership in the region, there is no hope for that stand-down to happen.

In the Obama administration, at least Secretary Kerry was actively, personally engaged in trying to bring some resolution to the civil war inside Yemen. But since President Trump took office and Secretary Tillerson became Secretary of State, there is zero U.S. leadership on this question. We don't have an Assistant Secretary of State for the Middle East. We don't have any envoy for this crisis. All we have is a President who says that the Saudi Government knows what it is doing.

That kind of unconditional endorsement of intentional humanitarian pain is un-American. We have stood up time and time again for human rights all across the world. We have been the people who deliver humanitarian salvation to people who are at risk of disease and famine and death. And instead of rescuing the people of Yemen during this moment of blockade, we are contributing to the deterioration of the quality of life inside that country.

The Saudi blockade needs to end today. And a partial lifting of the blockade is not enough. This morning,

the coalition did say they are going to allow some humanitarian access to the ports they control, but we need access to the ports near where the majority of the population actually lives—Hudaydah and Saleef. Allowing access to the ports that the Saudis control—which are not the ports where the majority of humanitarian aid flows through—is not sufficient. It will not do the job. Medicine and vaccinations will continue to dry up. Price spikes will continue to go through the roof. The cholera epidemic will continue.

We have a responsibility as a nation to ensure that the coalition, of which we are a part, is not using starvation as a weapon of war. This will be a stain on the conscience of our Nation if we continue to remain silent. I hope the Senate takes the same action that the House did. I hope we make clear that there is no legal authorization for the United States to be part of a war inside Yemen. Congress has not given the authorization for this President to engage in these military activities.

By the way, the civil war inside Yemen has aided the enemies we actually have declared war against. Al-Qaida is getting stronger inside Yemen because, as more and more of the country becomes ungovernable because of this war, al-Qaida is moving into that territory. ISIS—against which we have not declared war, but we are engaged in active military activity in the region—is getting stronger there too.

So even if you don't believe there is a humanitarian imperative attached to U.S. withdrawal from this coalition, there is a national security imperative because we are just strengthening the most lethal elements of the extremist movement worldwide.

I know many other Members of this body on both sides of the aisle feel as strongly about this as I do. We are not going to get leadership on this question from the administration. They have given a blank check to the Saudis. They have turned a blind eye to this epidemic inside Yemen—an epidemic that is getting worse by the day since the Saudi blockade began. Leadership will have to come from this body.

We need to make clear to the administration that they do not have the authority to continue to participate in this military coalition. We need to press the administration to tell the Saudis to end this blockade. We need to start using our ability as appropriators and authorizers to send messages to the Saudis that this kind of conduct cannot continue. We have tools at our disposal to lead as a Congress on this question—the world's worst humanitarian catastrophe happening right now, as we speak, getting worse by the hour inside Yemen. This Congress, this Senate, cannot remain silent.

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. HASSAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HASSAN. Mr. President, I rise today to oppose Steven Bradbury's nomination to serve as general counsel at the Department of Transportation.

The general counsel position at DOT oversees and makes critical judgments about legal work that impacts public safety, development, and innovation that drives our economy. Unfortunately, Mr. Bradbury's previous actions during his time at the Department of Justice showed that he lacks the judgment and commitment to our shared values that are a prerequisite for any lawyer privileged to serve the people of the United States of America.

During his time as the acting head of the Department of Justice's Office of Legal Counsel, Mr. Bradbury was one of three primary lawyers who helped lay the groundwork for the Bush administration's defense of what they described as "enhanced interrogation techniques." The so-called torture memos that Mr. Bradbury helped write were used to justify the Bush administration's decision to use torture that included extreme sleep deprivation, cramped confinement, and waterboarding. Mr. Bradbury helped find legal loopholes that were an affront to our American values. And he failed to fulfill the special responsibility all lawyers have to the quality of justice in our legal system.

Mr. Bradbury's past government service reflects a lack of sound legal judgment. In fact, a 2009 review by the Department of Justice raised questions about the objectivity and reasonableness of the conclusions found in the memos he authored. Rather than standing up for our values and laws, Mr. Bradbury deferred to the wishes and pressure of the President he was serving.

Furthermore, during his confirmation hearing, when referring to his legal justification for these so-called enhanced interrogation techniques, Mr. Bradbury stated: "If I had my druthers, I wouldn't have engaged in having to address those issues."

If Mr. Bradbury preferred to not engage in tough legal questions at the time, then he should not have been serving in the Office of Legal Counsel, and he should not be confirmed for a general counsel position now. By definition, the job of general counsel is to deal with difficult legal questions.

It is clear Mr. Bradbury is unwilling to provide the sound legal judgement and impartiality necessary for this role. He has demonstrated, in the past, that his legal analysis is flawed, he lacks a commitment to America's values, and his actions have had truly dangerous implications for our Nation.

I will oppose this nomination, and I urge my colleagues to do the same.

I yield the floor.

## CONFIRMATION OF DEREK KAN

Mr. THUNE. Mr. President, I have sought recognition to note last night's strong bipartisan vote of 90 to 7 to confirm Derek Kan's nomination. I am very happy that Mr. Kan is now able to take up the duties of Under Secretary for Transportation Policy at the Department of Transportation after a long, entirely unnecessary delay. As I stated on the floor last week, it is truly unfortunate that it took 4 months and the engagement of the cloture process to confirm this well-qualified nominee, who obviously has strong bipartisan support.

I hope that last night's vote will signal to those who are holding other well-qualified nominees to the Department—including the nomination of Ronald Batory to be Administrator of the Federal Railroad Administration and the nomination of Adam Sullivan to be Assistant Secretary of Transportation for Legislative Affairs—over funding for the multibillion dollar Gateway Project in New York and New Jersey that their strategy is misplaced and depriving the Department of the very expertise needed to make progress on Gateway and a host of other critical issues.

Mr. President, I have also sought recognition to voice my strong support for the nomination of Steven Bradbury to be general counsel at the U.S. Department of Transportation. Mr. Bradbury has had an extraordinary legal career in both the private and public sector, and he is well prepared to address the many challenging legal questions that will come before the Department.

Mr. Bradbury is currently a litigation partner at the Dechert law firm here in Washington, DC, and his practice focuses on regulatory enforcement and investigations, rulemakings, and judicial review of agency actions, as well as appellate cases and antitrust matters.

From 2005 to 2009, Mr. Bradbury headed the Office of Legal Counsel at the Department of Justice, the office that provides essential legal advice to the President and the heads of executive departments and agencies.

In that role, he received the Edmund J. Randolph Award and the Secretary of Defense Medal for Outstanding Public Service, among other awards. Before serving in the Justice Department, he worked in private practice for 10 years and clerked for Justice Clarence Thomas on the U.S. Supreme Court and for Judge James L. Buckley on the D.C. Circuit.

On June 28, 2017, the Commerce Committee held a hearing on his nomination, and we reported his nomination favorably on August 2. Last night, the Senate invoked cloture on his nomination.

At his nomination hearing, a number of our Democrat colleagues raised concerns over Mr. Bradbury's suitability for this position, mostly focusing on a number of opinions he wrote regarding interrogation policies while at the Justice Department.

I do not doubt the sincerity of those who question the Bush administration's approach to detainee treatment in the wake of the horrific attacks of 9/11. I know that these concerns are not limited to a single party.

Nevertheless, I would suggest that Mr. Bradbury has demonstrated a willingness to reexamine the difficult decisions made at that time in a manner that underscores the thoughtfulness he would bring to the position to which he has been nominated.

For example, after he became the head of the Office of Legal Counsel in 2004, he participated in decisions to withdraw and supersede previous legal opinions addressing interrogation policies that had been issued by his predecessors.

In response to questions for the record from some of my committee colleagues, Mr. Bradbury elaborated on this topic. Specifically, he said:

I support the McCain-Feinstein Amendment, enacted by Congress in 2015, which mandates that all agencies of the U.S. government are limited to use of the Army Field Manual in the interrogation of detainees and which prohibits the use of physical coercion. I believe the McCain-Feinstein Amendment represents a historic policy decision and a moral judgment for the United States, and it reaffirms America's leadership on interrogation policy and practice. The clear mandate of the McCain-Feinstein Amendment appropriately elevates and vindicates the compelling principle of reciprocity in the treatment of captured U.S. service men and women.

Mr. Bradbury went on to say:

Twelve years ago, when I was called upon to advise on the legality of proposed interrogation policies for use by intelligence officers, the McCain-Feinstein Amendment had not been enacted, and it was understood at that time that intelligence agencies operated under a different, less well defined, legal regime from the U.S. Armed Services. I did my best to pull back previous OLC opinions that were overly broad or otherwise flawed; to limit OLC's advice to the narrowest grounds necessary and avoid reliance on expansive interpretations of presidential power; to spell out very clearly the specific factual assumptions on which the advice depended, including the particular conditions, limitations, and safeguards that were required as part of the policies; and to describe in detail the specifics of those policies so that the senior decision makers on the Principals Committee of the National Security Council would be fully apprised of precisely what they were being asked to approve.

The OLC opinions I prepared on these issues are no longer operative, and the law has changed. I welcome the statutory changes enacted by Congress.

In sum, I believe that Mr. Bradbury has fully addressed these concerns.

It is also worth noting that Mr. Bradbury's nomination has received the endorsement of many bipartisan leaders. During his confirmation process, the committee received letters of support signed by more than 50 former government officials, including former Transportation Secretaries Rodney Slater and Norm Mineta; former Attorneys General Ed Meese, William Barr, and Michael Mukasey; former counsel to the President Fred Fielding; former National Security Advisor Stephen

Hadley; former Solicitors General Ted Olson, Paul Clement, Greg Garre; and many others. He also received the support of nearly 20 State attorneys general from across the country.

Finally, I would also like to address the concerns raised about Mr. Bradbury's representation of the U.S. subsidiary of Takata in connection with the airbag inflator ruptures before the National Highway Traffic Safety Administration.

Mr. Bradbury has agreed to go beyond the requirements of his ethics agreement to recuse himself from all aspects of the Takata airbag inflator recalls for the duration of Mr. Bradbury's tenure as general counsel at the Department of Transportation.

Because Mr. Bradbury has agreed to go well beyond what is required by federal ethics laws and regulations, and well beyond the ethics agreement he signed with the Office of Government Ethics with respect to the Takata airbag inflator recall, I am satisfied that he has more than adequately dealt with conflict of interest concerns and recusals.

Moreover, as I have noted, Mr. Bradbury has received bipartisan support for his nomination, including from former Transportation Secretary Rodney Slater and former Transportation Secretary Norm Mineta.

Accordingly, I urge my colleagues to support the nomination of Steven Bradbury to be general counsel for the Department of Transportation.

Ms. HASSAN. 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. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

#### EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. BLUNT. Mr. President, Senator KLOBUCHAR and I are here to talk about National Adoption Month.

I think we started a little bit late, so by unanimous consent, I ask that we be allowed to extend our closing time by the same number of minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, it is good for both of us and our colleagues to be thinking this month about National Adoption Month, to recognize the celebration of National Adoption Day, which will occur this Saturday. I have had the great privilege of serving as co-chair of the Coalition on Adoption with Senator KLOBUCHAR from Minnesota. It is an opportunity not only for us to work together in a bipartisan way, but at an event we attended just the other

day, I was told the adoption caucus in the House and Senate is the biggest caucus of either body and the biggest caucus of the Congress. Of course, it should be. It is built on the idea that kids have the need of a family and that there are families out there who want to adopt kids. Whether that is nationally, domestically, or internationally, we really work hard to try to make that more possible.

Our House cochairs have been great to work with. Senator KLOBUCHAR and I are working on several pieces of legislation right now to make it easier for families to adopt and to make sure adopted families have the support they need to stay strong.

One piece of legislation we are working on is the Adoption Tax Credit Refundability Act. It is a little bit outside the norm of the discussion of simplifying the Tax Code, but I was pleased the other day to have some important evidence put on the table when the chairman of the House Ways and Means Committee—who, by the way, is an adoptive father of two sons and an advocate for adoption and for kids—when the current adoption tax credit was not in the House bill, he said one of the reasons it is not here is so many families who adopt kids don't pay income tax because of the low level of their income. My thought was, well, that is exactly what Senator KLOBUCHAR and I were saying. That should be a refundable credit as well as a credit, but I am glad to see the current credit back in the tax bill that the Finance Committee is looking at now. We want to continue to look at not only the current credit but expanding that.

According to the Department of Health and Human Services, one-third of all adopted children live in families with an annual household income at or below 200 percent of the poverty level. It is because of that the tax burden is low. They don't pay income taxes. The adoption tax credit isn't as helpful to those families as it is to families who actually have income tax to credit it against.

More than 400,000 children now in the United States are also in the foster care system, and more than 100,000 of those 400,000 kids are ready and waiting for families they can call their own. Lots of other children need to be in families all over the world, but we can be looking carefully at the children in our system now. We both looked—and others have joined us in that—at the foster care system and ensuring behavioral health screening happens within 30 days of getting into that system. Once you get into the foster care system, often it is because of unavoidable challenges families face, and often it is because of challenges kids should never have to face. So that early evaluation of what is going on there can really make a difference in how foster kids are dealt with in the system and how they get ready—as 100,000 of them now are—to leave the foster care system and be adopted.

Before I turn to Senator KLOBUCHAR, I just want to mention some kids right now who are on what is called the Missouri Heart Gallery. More than 1,200 Missouri children are in need of permanent homes. The Missouri Heart Gallery is a place to look, as we approach the end of this year, to see what the stories of some of these kids are.

Brandon, for instance, who is 12, loves to play games. LEGO sets are his favorite toy. He likes to smile and give hugs. He probably hasn't gotten enough hugs in his life up until now, but it is possible to try your best to catch up with kids who need hugs. He needs a stable and loving family. He is often playing outside. It would be wonderful if he were playing outside a house or a home that he knew was a permanent home for him.

Shaniah and Shanae are sisters who hope to be placed together, and they hope to have a chance to maintain contact with their aunt following placement. Shaniah loves dancing and cheerleading. Her favorite color is green. She hopes to be a scientist one day. Shanae's favorite hobby is singing, and she makes friends really easily between her dancing and singing skills that she shares with her sister. Both of these girls would really bring a lot of life and vitality into what we would hope would be their family forever.

Brandon, Shaniah, and Shanae are in need of permanent and loving homes. This is a time when we ought to be thinking not only about the obstacles to adoption, the things that encourage adoption but also how we can make the support system for both adoption and foster care and adoption out of foster care work better.

I know my colleagues will be eager to join Senator KLOBUCHAR and me in marking November as National Adoption Month and by passing our resolution today.

I turn to my friend from Minnesota Senator KLOBUCHAR.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, first of all, I would like to thank Senator BLUNT for his leadership. We have worked side by side on these issues for so many years, and I am really pleased—as he noted—that there has been a lot of focus on this issue of the adoption tax credit and not only how it needs to be fixed in any tax bill and make sure it is maintained, but, in fact, it should be expanded on. I thank him. We have both been advocating for that.

One of the reasons I am so involved in this issue is, in my State of Minnesota, we have historically had a lot of adoptions. One is international adoptions. We have one of the highest rates of international adoptions in the country. We have families who have opened their hearts to kids from Vietnam to Guatemala, to Nepal, to Haiti.

I have had the opportunity to witness the power of adoption firsthand when I served for 8 years as the Hennepin

County attorney—which is the largest prosecutor's office in our State. We also have civil jurisdiction so one of the things I worked on was speeding up the amount of time it took for foster kids to get out and into permanent homes. I was able to see firsthand those loving parents who would do anything to bring these kids into their families. When you see it internationally, it just breaks your heart if it goes on for years and years and years.

Right now, domestically, over 425,000 children are living without permanent families in our foster care system. Over 110,000 of these kids are eligible for adoption. One of the reasons Senator BLUNT and I came together today is to make people aware that, yes, there is international adoption—it is so important—but there are also kids right here in America who would love to be taken in by a family. That is part of the theme of our Adoption Month for the country.

We have tackled a number of issues over the last few years, along with former Senator Landrieu of Louisiana. One of them was the International Adoption Simplification Act, which was a big help in terms of making sure that older children weren't left behind when younger siblings were adopted. I worked on that bill with Senator INHOFE; then, Senators BLUNT and Landrieu and I introduced the Accuracy for Adoptees Act, which helps greatly to ensure that families don't have to fight with foreign authorities to get their kids' documents changed.

We are also working on some of the international issues now because of the slowdown in international adoptions and the work that we can do there. We look forward to working with the State Department and other agencies on that.

One of the best parts of our job is helping a family in our home State with an adoption. Recently, I got to visit a family in the western suburbs of Minnesota. For years, they had been waiting to adopt two Ethiopian boys. We worked really hard on this, as the halt of adoptions out of Ethiopia affected more than 200 American families; one of them was David and Katie Norton. Because of the work that was done and the push that was made, a number of these kids came home to their families.

I got to swing on a tire swing with these two rather fun boys who, every day, like to put on their bicycle helmets just because they think that is cool, and they wear them around the backyard. We had a great time with them.

There are other children, and it makes you realize how close to home this is and how pleased we are to welcome these kids to American families. That is what National Adoption Month is all about. We want more kids to be able to swing on tire swings, so we will continue to work with the foster care system, as well as the international

adoption system, to make this a reality for more and more orphans across the world.

I thank Senator BLUNT for his leadership, and we look forward to working on this issue for many years to come.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I thank Senator KLOBUCHAR. We will continue to work on this. We are glad it is so well-received and these are issues our colleagues pay close attention to. Whether it is domestic or international, we are going to continue to find ways to open the doors to more homes and to get access to more tire swings. I look forward to that work.

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 331, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 331) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUNT. 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. 331) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### RECESS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order until 2:15 p.m. today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am here to respond to the nomination of Steven Bradbury for a senior legal position in the U.S. Department of Transportation. I have had some experience with Mr. Bradbury, and in my experience, he is disqualified from serving in a legal government position of trust, such as he has been nominated for.

The Bush administration pursued a policy of detainee mistreatment that since has been acknowledged to include torture of detainees. The process that got the United States of America into a place where it was torturing detainees was a legal process that was full of mistakes and failures by the Office of Legal Counsel at the Department of Justice—by Mr. Bybee, by Mr. Yoo, and, following them, by Mr. Bradbury.

Let's start with just a word on the Office of Legal Counsel. Within the Department of Justice, the Office of Legal Counsel is seen as being the best of the best. The Department of Justice prides itself on attracting, training, and perfecting the skills of the best lawyers in America.

As a U.S. Attorney, I had the privilege of serving with a lot of absolutely spectacularly skilled lawyers and trial advocates just in the small Rhode Island U.S. attorney's office and working with others from the Department of Justice, and I have a very, very high opinion of Department of Justice lawyers and Department of Justice lawyering. But even within the expectation that the Department of Justice lawyering will be first rate, the Office of Legal Counsel is supposed to be a cut above. These are people who go into that office with the possibility that they will become U.S. Supreme Court Justices. These are people who come out of clerkships on the U.S. Supreme Court—one of the highest academic achievements a law student can have—and end up joining the Office of Legal Counsel. The Office of Legal Counsel ought to be held to a very high standard.

What happened when the Office of Legal Counsel was asked to take a look at the CIA torture program in the Bush administration was that it fell down or rolled over in virtually every respect. The factual investigation into what the CIA was actually doing was weak and ineffectual. The legal investigation into the past, into precedents, was—as I said in previous speeches at the time—fire-the-associate quality legal work. It is particularly bad coming from the Office of Legal Counsel because the Office of Legal Counsel is supposed to be the best of the best.

It is hard to say that these guys failed having tried their best. They just weren't smart enough to figure it out. They just weren't working hard enough. They just didn't know enough about legal research or scholarship. So, you know, nice try but you blew it, but no harm in it because we don't expect much of you to begin with.

That is certainly not the case with OLC. The array of memos that the OLC wrote—the Bybee, Yoo, and Bradbury memos—were calamitous failures of historical and legal research. For one thing, they failed to recognize and report that there had been prosecutions of Japanese military officers after World War II for torturing American soldiers. One of the techniques of torture for which those Japanese soldiers

were prosecuted and convicted as torturers, as war criminals, was the use of the waterboard. You may be able to say that there were some different justifications. You may be able to say that there were some different circumstances, but to not even mention that, to not even do the research to find out that had taken place is a pretty bad legal failing.

One of the reasons was that they kept it so close hold that they didn't let military lawyers know what they were doing. One could argue that there is consciousness of guilt there, that they didn't want other lawyers to know what they were doing because they knew that what they were doing was shoddy legal work and they didn't want to be caught out in it. In fact, ultimately, a lot of those opinions were withdrawn.

The fact of the matter is that it was a failure to properly inform the President of the United States about this history of our country actually prosecuting Japanese soldiers for the type of conduct that the Department of Justice was approving that the CIA engage in. It wasn't just prosecutions of Japanese soldiers by American military tribunals. There were also prosecutions of American soldiers in the Philippines by courts-martial for torture. Guess what. The conduct involved was waterboarding.

Again, perhaps you can say that there were some differences, that there were some distinctions, but the fact is, in memo after memo—including the wrapup memo that Bradbury wrote—that was not discussed. It was not disclosed, and it was not discussed.

You may say: Well, you know, it is asking an awful lot of the Office of Legal Counsel to go and look at history, to go and look at the practice of our military in prosecuting adversary officers or in prosecuting our own soldiers. After all, we are just the Department of Justice. That is the Department of Defense. What could we possibly learn from that?

Well, obviously, that would be wrong and, obviously, that would be a mistake, particularly when you look across that boundary to military law and see these examples right on point that they did not bother to discuss or disclose.

Then, it gets better still. The OLC memos failed to disclose prosecutions by the Department of Justice for waterboarding. This is not some case that never got reported someplace, that was just a trial, and you would have to look deep into your own records to try to find out what took place—perhaps, without a reported decision, just a verdict from the jury. This was a case that was extensively documented with writings by the trial court judge, a U.S. district judge in the State of Texas, that went up on appeal to the circuit court of appeals, and the U.S. circuit court of appeals wrote a decision on appeal of the district court's decision.

What were the facts? The facts were that there was a local sheriff. His last name was Lee. So the case was named *United States v. Lee*. Mr. Lee had gone into the business of waterboarding prisoners—strapping them in a chair, tipping them back, and pouring water over their faces to give the illusion of drowning. The court's decision over and over describes this conduct as torture. If you use legal search tools and look for the words "water" and "torture," *United States v. Lee* comes up, and it is a circuit court of appeals decision.

How could they miss it? There are only two explanations that I can come up with. One is that they really did a shoddy job of workmanship, that they didn't bother to do basic legal research. That is why I have described this in the past as fire-the-associate quality work. If you haven't done the basic legal research to determine what the cases are on point on the question of whether the use of water on bound prisoners is torture, you haven't done much of a good job. The problem is that scenario is actually the best case scenario. The best case scenario is that they did such slipshod work at the Office of Legal Counsel that they didn't find a U.S. circuit court of appeals decision on point to the question upon which the OLC was advising the President of the United States. That is the best case scenario.

The worst case scenario is that they did find it and decided not to talk about it in their memos because you can read *United States v. Lee* and put it against those OLC memos, and I think any rational reader will find them impossible to correlate.

There is a real possibility that the Office of Legal Counsel decided that, because Cheney had decided on this torture program and because they were embarked on this torture program, they were going to have to deliver the legal opinion that allowed it to continue. If it meant ignoring a case that proved their opinion wrong, they were going to ignore the case, and they were going to go ahead with the opinion. As you can imagine, that is considerably worse than simply not finding the case.

We have never had a very good description of how this all came out. There was an OPR report from the Department of Justice that heaped condemnation on the various players here, but ultimately this question of what the obligation is of an OLC lawyer to fairly disclose what the relevant case law is in writing an OLC opinion was never reached. It was never reached because, at the end of this long and arduous process, the Department of Justice made, I think, a terrible decision.

There is a rule of professional conduct that is called the rule of candor to the tribunal. If you are a lawyer and you are going before a judge, you have an obligation to state the law fairly and accurately to the judge. If you are not being truthful to the judge about what the law is, that is a violation of professional conduct for which lawyers

can be sanctioned. It applies to lawyers across the board. A hard-working lawyer with six or seven files under his arms, piling into a State district court to maybe run through three or four cases in that day before a busy judge, has the obligation of candor, and it includes an obligation to do adequate research, to actually have looked up the case law and to disclose it to the judge so that you are not misleading the court about the state of the law. That applies to lawyers across the country. The busiest, most distracted local lawyer and just a guy with a practice, maybe in a strip mall, who buzzes into court with a bunch of files under his arms—that lawyer is under that same obligation.

Yet the Office of Legal Counsel—this high temple of lawyering, this "best of the best" of the Department of Justice—made the decision that those lawyers, in their providing advice to the President of the United States, did not have the same obligation of candor that an ordinary, day-to-day, working lawyer in a local courthouse had to that local judge.

I believe that rule has since been reversed, and it is very good that it has been reversed because I think the President of the United States is entitled to at least the level of candor from these "best of the best" lawyers at the Office of Legal Counsel that a local judge is from the hard-working, overburdened, day-to-day lawyers who appear in front of him or her. That is not what the President got, not from this Office of Legal Counsel, not from Steve Bradbury.

Again, I don't know that we will ever know because that decision by the Department put to an end the investigation of the question of whether this failure amounted to professional malpractice by the OLC lawyers, but the options aren't great. These lawyers either did not do the work to discover the military tribunals, the courts-martial, and the Texas criminal prosecution by the Department of Justice, or, worse yet, they did discover those things and deliberately withheld that information so that they could give the opinion they thought they were supposed to give. It is about the worst thing a lawyer in that position could do, and until that is cleared up, I could not possibly support the nomination of Steven Bradbury to any position of trust in the Government of the United States.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

#### TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Madam President, 2 days ago, I visited the community of Sutherland Springs, TX, which is a small, rural community about 35 miles from San Antonio, TX. We all remember the terrible shooting that occurred there just over a week ago at the First Baptist Church, an event that those in Sutherland Springs and across Texas and maybe even across the Nation will

never forget. I hope we never forget it because I believe that those events were, by and large, preventable, and I will explain more about that in a moment.

What I saw during my visit and what I found to be so remarkable is that the community has already started the healing process. Already, the church building that was riddled with bullets and the bodies of people who were killed and injured has been turned into a memorial which will forever mark the terrible events of that day and honor the lives of those who lost their lives.

After an excruciating trial that the rest of us cannot even begin to comprehend, the attitude in Sutherland Springs is incredibly hopeful and resilient. First Baptist held its Sunday service just 7 days after the congregation lost 26 of its members. Can you imagine that—just a week later, showing up for another church service a week after a gunman shot up the church, killing 26 people and injuring 20 more.

I went there for no other purpose than to lend a shoulder to the mourning and to try to offer what little encouragement I could. Strangely, what happened is that the reverse occurred: They gave me more hope and inspiration than I ever could have imagined. This shows how the shooter's ultimate plan failed. Evil never triumphs.

Just ask Pastor Mark Collins, who pointed out that the First Baptist Church has been open for nearly 100 years but that on Sunday, the congregation smashed its alltime attendance record.

Ask Pastor Frank Pomeroy, who lost his 14-year-old daughter in the attack but was already back doing the Lord's work of consoling other members of his church when he himself lost his own 14-year-old daughter. Pastor Pomeroy said: "We have the freedom to choose, and rather than choose darkness, like the young man did that day, we choose the light." He said: "Love never fails."

It was an emotional service, to be sure. It was an honor and, as I said, an inspiration to join the Sunday worship service and to visit the church that has been transformed into that stunningly beautiful memorial to commemorate the victims.

The day before, I had had a chance to visit with a number of victims—and their family members—who are recovering in local area hospitals. We cannot forget them as they continue to heal or forget the rest of the 20 who were wounded by the gunman that day—a man who was clearly deranged, was a convicted felon, someone who had been hospitalized for mental illness and had escaped, and someone who had been found guilty of domestic violence against his wife, including the fracturing of his infant stepson's skull.

We now know that when it comes to the shooter, there were plenty of warning signs. The gunman's former colleague has said that he was always on



edge and that he scared her both while he was in the Air Force and through disturbing social media posts afterward. There were multiple red flags along the way—school suspensions, threats of killing his superiors, depression, the abuse of animals, choking his wife, as I said, fracturing his stepson's skull, and doing time in a military prison. One thing is abundantly clear: We can do more when it comes to spotting these flags, including in the military.

Where the law currently provides that an individual who is convicted of a felony or convicted of domestic violence or somebody who has been found to be mentally ill by a court—we can make sure and do better to make sure that those individuals do not purchase a firearm. Current law disqualifies them, but unless the results are uploaded on the FBI's background check system, there is no way to catch them when they lie. They are asked when they purchase a firearm at a firearms dealer: Have you ever been convicted of a felony? Have you ever been convicted of domestic violence? Have you ever been committed for mental illness? If they lie and the background check system is simply silent, then there is no way to know and no way to stop them, and that is what happened to this shooter.

We know now that the Air Force and the other branches of the military are considering what additional steps to take to make sure this never happens again. I appreciate their prompt response, but it should never have come down to this.

Now we have to do our part to ensure that this sort of preventable disaster never happens again. Don't get me wrong—I don't believe we can somehow wave a magic wand or pass a law that will prevent manmade disasters in every instance in the future, but this one could have been prevented. We could have kept this shooter from buying a firearm through a legal firearms dealer. If the background check system had been accurate, he would not have been able to do so.

Today, I plan to introduce legislation to ensure that Federal agencies report and upload criminal records onto the background check system—records that are already required to be so but often that are not. As we know, this was a major problem that led to the rampage in Sutherland Springs. My bill would also reauthorize the two primary grant programs that help the States report and upload their own records and incentivize States to improve overall compliance.

We know that just down the road in Virginia a few years ago, the records of a young man who had been adjudicated as mentally ill by the State of Virginia had never been uploaded into the background check system. Like this shooter in Sutherland Springs, when he went to purchase a firearm, there was never a hit on the FBI's background check system, and he simply lied about his mental health record.

It has been estimated that some 7 million records—including at least 25 percent of felony convictions and a large number of convictions for misdemeanor domestic violence—have not been posted on the background check system. That is outrageous. I doubt that any of us knew this beforehand, but we know it now, and it is within our power to fix it. We can all agree that this has to change and that this cannot stand.

Let me be clear. I think that law-abiding gun owners, under the Second Amendment, can and should be allowed to purchase and possess firearms. As somebody who enjoys hunting and sports and shooting, I believe that every law-abiding American should possess the same right that I have to purchase firearms for recreation, for hunting, or for defending our families or property. In fact, that is what happened in Sutherland Springs. Sutherland Springs proves why guns can save lives when in the hands of law-abiding citizens. But if you have a long, documented history of dangerous behavior, if you are convicted of committing violent acts, under the law, you are not allowed to have guns. Today, we have to ensure that those laws will be enforced, and my bill will help to do that.

This is really an incredible story. When I went to Sutherland Springs, I learned more about Stephen Willeford, whom I have spoken about before. Stephen Willeford lived about a block from the First Baptist Church, and he heard the shooting. I think it was his daughter who alerted him to it. He got his AR-15 out of the gun safe in his home, and he ran about a block away while barefoot. He saw the shooter exit the church. He, in turn, decided that it was up to him because there was not anybody else to stop him.

Mr. Willeford, fortunately, is an NRA-certified shooting instructor and an expert marksman, and he shot and wounded the person who committed this mass atrocity, who then dropped his firearm, got in a truck, and led him on a high-speed chase. Thanks to Mr. Willeford and another Good Samaritan, they chased that shooter until ultimately the shooter took his own life. That shows you what can happen when law-abiding citizens—gun owners—can come to the aid of others. When the police are not present and there is nobody else around, Good Samaritans can help save lives.

#### TAX REFORM

Madam President, I would like to shift to a separate topic that the Senate will be addressing this week, and that is tax reform.

Last Thursday, the Senate Finance Committee introduced our proposal that would enable more Americans to keep more of their hard-earned paychecks—send less of their money to Uncle Sam here in Washington, DC.

Yesterday, the Senate Finance Committee on which I serve began the markup with the Tax Cuts and Jobs Act with a series of opening state-

ments. Soon—tomorrow, perhaps—members of the committee will have an opportunity to consider and debate more than 300 filed amendments.

This morning, during the proceedings, some of my colleagues across the aisle complained about the process. They said: This isn't a bipartisan bill.

I said: That is because you have refused so far to participate in the process.

They said: The bill is secret.

I said: Well, you are going to have an opportunity to see it, read it, amend it, and debate it on the Senate floor and in committee.

They then had the audacity to claim that this was all just a giveaway to corporations. I suppose what they would rather see is American jobs go overseas because our punitive Tax Code punishes those businesses in the United States with the highest tax rate in the world at 35 percent. Countries such as Ireland, the U.K., and others have lowered their tax rates and lured American businesses, investment, and job creators overseas. Are we supposed to ignore that and accept it? It would be absolutely irresponsible to do so.

Unfortunately, I think some of our Democratic colleagues feel this is more about political posturing than it is about getting the economy growing again or seeing more money in our paychecks, more money that people can use for their family, for school, for retirement, or for whatever reason they want to use it.

Under our bill, a family of four at median income, which is roughly \$70,000 a year, will see a savings of about 40 percent on their tax bill. That may be chump change to the folks here in Washington, DC, inside the beltway, but for hard-working Texans and hard-working Americans, that is money they can use and put to good use. We owe it to them. If we can come up with a fairer, simpler, more competitive tax code, we owe it to them to do so.

I mentioned the 300 amendments that have been filed. It is important to note that Chairman HATCH, just like Chairman BRADY in the House Ways and Means Committee, is taking this through the regular legislative process. In other words, anyone who is willing to participate in it can introduce amendments and get a vote on those amendments. You are not guaranteed to win, but you are guaranteed an opportunity to participate and to shape the product. That is the way the Senate and House are supposed to work. Once both legislative houses come up with their version of the tax bill, we reconcile those in a conference committee before we send it to the President. That is what we intend to do sometime before Christmas this year.

We have had 70 different hearings in the Senate alone, countless working groups, white papers published. We have been working on this for years. Now we finally have the opportunity to get it done.

What is so strange about the criticism that I have heard is that many of

our Democratic colleagues, both past and present, have called for many of the reforms included in this legislation that they are now criticizing. They were for it before they were against it.

Their previous support makes sense, because we know tax reform can work. A new study by the Tax Foundation found that our proposal would increase the size of the economy by 3.7 percent. It will increase wages for hard-working American families almost 3 percent. It will create 1 million new jobs. If we reduce the business rate and don't chase jobs overseas, we can attract more investment and more job creation here in America. The Tax Foundation estimates that this bill will produce nearly 1 million new jobs here in America. It will, incidentally, provide more than \$1.2 trillion of lost revenue for the Federal Government, helping us with our deficit and our debt. The study suggests that families would see an after-tax income boost of 4.4 percent by the end of the decade. In Texas, for example, nearly 77,000 jobs are expected to be created by this plan with an income growth for middle-class families surpassing \$2,500 a year.

Notably, by repealing the tax on poor Americans known as the individual mandate—half of it is paid by people who earn \$25,000 or less, who can't afford to buy the government-mandated health insurance; they pay the penalty. That amounts to a \$43 billion tax on poor people in America. We intend to repeal that and let them keep that \$43 billion over the next 10 years in addition to the tax relief we are providing here.

It is not just the Tax Foundation that has pointed out the positive impacts of our plan; the nonpartisan Joint Committee on Taxation has too. Its analysis over last weekend suggests that moderate-income folks—not the high wage earners—would benefit most. In 2019, people in the middle of the income spectrum earning between \$50,000 and \$70,000 would see their taxes fall by 7.1 percent; those earning less—between \$20,000 and \$30,000—would see in excess of a 10-percent decline in taxes, according to that report.

I know our Democratic friends have trotted out their old, tired talking points and claimed that tax relief is only for the wealthy. But these facts show otherwise, and it is not an accident. We tried on purpose to make sure that every taxpayer, every person across the spectrum, no matter what their tax rate, sees a reduction in their taxes. The JCT's analysis proves that this is real, and while some of our colleagues can't resist the temptation to demagogue the issue, I would suggest that a more productive use of their time would be for them to join us to try to make this product even better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise in opposition to the nomination of Steven G. Bradbury to be General Counsel of the Department of Transportation.

Typically, the Department of Transportation has been a bastion of bipartisan cooperation. As former Transportation Secretary Norman Mineta said: "There are no Democratic or Republican highways, no such thing as Democratic or Republican traffic congestion." Similarly, it has been the overwhelming position of the U.S. Senate that torture is disqualifying for high office. Mr. Bradbury's nomination threatens both of these traditions.

Based on his role in the approval of enhanced interrogation techniques during the Bush administration, I believe Mr. Bradbury has failed to demonstrate the judgment that would merit the Senate to advise and consent on his nomination to any post. In addition, I am deeply troubled by his failure to commit to recuse himself from all matters related to his former client, the now-bankrupt airbag manufacturer, Takata, whose products are responsible for at least 16 deaths and 180 injuries.

From 2005 to 2009, Mr. Bradbury was the acting head of the Department of Justice's Office of Legal Counsel and was responsible for coauthoring numerous legal memos that authorize torture. During that period, enhanced interrogation techniques approved by the Office of Legal Counsel included techniques that constituted torture or cruel, inhumane, and degrading treatment. We would not accept such techniques being used on our servicemen and women held in captivity by our enemies. Yet Mr. Bradbury approved those techniques and, in doing so, endangered our men and women in uniform, and that danger still exists today.

Mr. Bradbury authored four separate memos authorizing the harshest form of detainee abuse, including waterboarding and other forms of cruel, inhuman, and degrading treatment. Not only did these legal memos authorize techniques that have been deemed abusive, they provided a green light for those willing to abuse enemy combatants in U.S. custody.

Following the revelations of prisoner abuse at Abu Ghraib, the Senate, led by Senator JOHN MCCAIN, passed the Detainee Treatment Act of 2005 by a vote of 90 to 9. That law prohibited detainee abuse by the military and other agencies.

However, legal opinions by Mr. Bradbury sought to provide a legal cover for the continued use of techniques that ran counter to the intent of that law. Our most respected military leaders have spoken out against the use of these unlawful interrogation techniques. A letter signed by 176 retired senior military leaders opposed the kind of torture techniques approved by Mr. Bradbury's Office of Legal Counsel.

Having had the privilege to serve in the Army of the United States, I believe they did this because they understood if we did it, our enemies would do it with even more gusto to our men and women, and it would be unconscionable

to give them even a shred of credibility to point to and say: We are simply doing what you did to others.

Retired Marine Gen. Charles Krulak wrote in opposition to the Bradbury nomination, saying that the use of techniques approved by Mr. Bradbury "not only violated well-established law and military doctrine, but also endangered U.S. troops and personnel, hindered the war effort, and betrayed the country's values, damaging the United States' stature around the world as a beacon of human rights and the rule of law."

That is the voice of one marine, speaking from years of experience in combat, not simply to defend our ideals but to defend those men and women who serve today in uniform.

Secretary of Defense Mattis has expressed his full support for the Army Field Manual as the single standard for all U.S. military interrogations and has advised President Trump that such enhanced interrogation techniques are not needed to keep our country safe.

Under Mr. Bradbury's direction, DOJ's Office of Legal Counsel approved opinions on enhanced interrogation techniques that appear intended to meet the political inclinations of the White House rather than the intent of U.S. laws against such cruelty. Someone who has justified the use of torture, in spite of an act of Congress, should not be allowed to hold a position of responsibility in the U.S. Government. Indeed, it is for that reason that this body refused to approve Mr. Bradbury as Assistant Attorney General for the Office of Legal Counsel in 2008.

If approved as the General Counsel of the Department of Transportation, Mr. Bradbury would again be called upon to render legal opinions that require sound and independent judgment. Even forgetting for a moment his history of bending to the political desires of a strong-willed White House, his refusal to completely recuse himself from matters relating to his former client, Takata, means he would enter this office with a cloud of potential conflicts around him.

Public service is not an entitlement but a privilege. For Mr. Bradbury, the revolving door should swing shut. His lack of judgment at a critical time in the Nation's history has disqualified him from the privilege of holding high office in the current or any future administration.

Surely the American people deserve someone who reflects our national values and has demonstrated much better judgment than Mr. Bradbury.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Madam President, I thank my colleague, the Senator from Rhode Island, and I join him in strong opposition to the nomination of Mr. Steven Bradbury to be the general counsel of the U.S. Department of Transportation.

Mr. Bradbury is a deeply flawed nominee for many reasons, including his unwillingness to recuse himself from issues involving his former clients and dodging commitments to forgo accepting waivers for recusals. However, my opposition to his nomination is rooted in his troubling record while serving at the Department of Justice during the Bush administration.

As we know, Mr. Bradbury was Acting Attorney General at the Department of Justice from 2005 to 2007 and led the Office of Legal Counsel there from 2005 to 2009. When he was nominated by President George W. Bush to be Assistant Attorney General in 2004, his nomination was so unacceptable that the majority leader at the time offered to confirm 84 stalled nominees in exchange for the withdrawal of his nomination.

Let me repeat that. The Senate majority leader at the time was willing to accept 84 other nominees in exchange for President Bush withdrawing Mr. Bradbury's nomination.

What Senators objected to then—and the reason I am so strongly opposed to Mr. Bradbury's nomination now—is that Mr. Bradbury is the chief architect of the legal justification that authorized waterboarding and other forms of enhanced interrogation techniques we used to hear a lot about during the last Bush Presidency. For those who might not be familiar with the term “enhanced interrogation,” there is another term for it that most Americans probably are familiar with. It is called “torture.”

The “torture memos,” as they are commonly referred to today, represent a dark period in our Nation's recent history that we must never repeat. In my opinion, his connection to these memos alone should disqualify Mr. Bradbury from government service. I understand he is nominated to serve at the Department of Transportation and not the Department of Justice, but his very willingness in the past to aid and abet torture demonstrates a failure of moral character that makes him dangerous to the American people and to our troops regardless of which agency he is nominated to serve in. Those torture memos displayed a disturbing disregard for the intent of Congress and flouted both international and U.S. law.

If confirmed, Mr. Bradbury will swear a solemn oath to serve the interests of the American public by providing honest and objective legal analysis to the Department and the administration. I doubt he can carry out that oath.

The American Government would, once again, rely on his counsel to make sure Department of Transportation employees do not subvert the law, the intent of Congress, or the U.S. Constitution. Unfortunately, he has let both the government and the American people down before, and I have no confidence that he is capable of carrying out this critically important role. Public serv-

ants are supposed to serve the public interests, not the political whims of any President, Democratic or Republican.

The public should be alarmed by Mr. Bradbury's history of demonstrating complete deference to a President's policy goals, and we in the Senate should do everything we can to prevent the likelihood of that history continuing in the Trump administration.

For my colleagues who may not be familiar with the programs Mr. Bradbury justified in his legal opinion, let me clarify. Detainees, in his opinion, could be sleep-deprived for up to 180 hours—approximately 7½ days—forced into stress positions. Sometimes they were shackled to the ceiling, subjected to rectal rehydration and feeding, confined in boxes the size of small dog crates. It was also Mr. Bradbury's legal opinion that led CIA personnel to conduct mock executions. His legal opinion led to one man being waterboarded to the point that he became “completely unresponsive, with bubbles rising through his open, full mouth.” His legal opinion also led to another man being frozen to death. Some of these abuses were authorized; others were not, but brutality, once sanctioned, is not easily contained.

In 2005, this body voted 90 to 9 to enact the Detainee Treatment Act to prohibit “cruel, inhuman, or degrading treatment or punishment.” That law was enacted after the Supreme Court decided that terrorism detainees in U.S. custody were protected by the Geneva Conventions. However, Mr. Bradbury still found legal loopholes to allow torture to continue.

Even the Department of Justice's own Office of Professional Responsibility criticized him for “uncritical acceptance” of the CIA's representations about the torture program. This is stunning, and it cannot simply be dismissed.

In testimony before the Senate Judiciary Committee in 2007, Mr. Bradbury defended the President's questionable interpretation of the Hamdan case, a case where the Supreme Court ruled that President Bush did not have the authority to set up military tribunals at Guantanamo Bay, by famously suggesting the “President is always right.”

This rubberstamp mentality is extremely dangerous, especially in the Trump administration. What will Mr. Bradbury do if President Trump asks him to come up with a legal justification to abolish laws mandating seat belt use or to come up with ways to negate drunk driving laws?

Let me be clear. Mr. Bradbury didn't make America safer, and he certainly didn't make our men and women in uniform safer either—quite the opposite. The actions Mr. Bradbury helped to justify put our troops and diplomats deployed overseas in greater danger.

This is personal to me because perhaps most disturbingly Mr. Bradbury's efforts to enable torture compromised

our Nation's values. Our Nation's military men and women are taught the laws of armed conflict, the proper way to care for detainees, the importance of acting in accordance with American values. Mr. Bradbury's actions at the Department of Justice undermined those values. This type of twisted legal wrangling done at a desk far from the field of battle puts larger targets on the backs of our troops. If captured, are they now at greater risk of being tortured themselves? How we treat prisoners under our control affects how our troops are treated.

Let me read to you Warrant Officer Michael Durant's account of what happened to him when he was shot down and captured in Mogadishu, Somalia. This is from his book.

DURANT'S fear of being executed or tortured eased after several days in captivity. After being at the center of that enraged mob on the day he crashed, he mostly feared being discovered by the Somali public. It was a fear shared by Firimbi—

Who was one of the people guarding him—

The “propaganda minister” had clearly grown fond of him. It was something Durant worked at, part of his survival training. The two men were together day and night for a week. Firimbi spoke Italian and Durant spoke some Spanish, languages similar enough for them to minimally communicate.

Firimbi considered Durant a prisoner of war. He believed that by treating the pilot humanely, he would improve the image of Somalis in America upon his release.

Mr. Durant talked at length about how he was treated when he was captured in Somalia. He talked about going for days without his wounds being cared for, being dragged out of his downed Black Hawk by a mob. He talked about being beaten. He talked about someone sticking a rifle into his room and firing and shooting him, where he had to pull the round out of his own shoulder. He talked about being shackled.

All of that is still better than the treatment that Mr. Bradbury's justifications allow to happen now. It makes our troops' jobs harder and more dangerous, and their job is already pretty dangerous. Take it from me, our troops will do any job we ask of them, but we shouldn't be trying to make those jobs more difficult or dangerous than they already are.

I can tell you from firsthand experience, as someone who has bled behind enemy lines, legal gymnastics are a luxury not afforded our men and women in the field. They are at battle and, more importantly, these justifications do not protect our troops who are sitting on the floor of a POW cell. When you are stuck bleeding in a helicopter behind enemy lines, you hope and pray that if the enemy finds you first, they treat you humanely.

When I was in flight school, I began the first of several periods when I was trained in the art of survival, escape, evasion, and rescue. All pilots received this training. Then, when we were deployed to Iraq, we also, as members of

the U.S. troops overseas who were identified as most likely at risk of being captured among U.S. troops deployed there, received additional training. This is what the Army told me I could expect upon being captured: I could expect to be raped. I could expect to be beaten. I could expect to be starved.

As I sat in my helicopter thanking God that there was another aircraft there to pull me out, even as the enemy were jumping into their pickup trucks, speeding toward us to try to capture us, the very realities of what Mr. Bradbury was justifying happened to me. It is not something that you can look at from the safety and security of a desk in Washington. Our troops face this every single day. This is why this nomination is so incredibly, incredibly troubling.

If the warlords in Somalia recognized the Geneva Conventions and treated Chief Warrant Officer Durant's capture more humanely, what does that say about Mr. Bradbury and his willingness to allow far greater forms of torture than what the Somali warlords were willing to do?

Mr. Bradbury lacked the moral conviction in the Bush White House that Somali warlords possessed in Mogadishu, and I don't think he can be trusted to stand up for the values I fought to defend, especially not in the current administration.

You don't just need to take my word for it. Mr. Bradbury's record speaks for itself, but in case this point isn't clear enough, here is what retired Marine Corps General Charles Krulak wrote to the Commerce, Science, and Transportation Committee about this nominee just this year on June 26 of 2017:

In his role as acting head of the Department of Justice's Office of Legal Counsel . . . Mr. Bradbury displayed a disregard for both U.S. and international law when authorizing the use of so-called "enhanced interrogation techniques" to interrogate terrorism suspects.

The general goes on further to say:

These interrogation techniques, which Mr. Bradbury repeatedly approved, included methods that the United States has acknowledged and even prosecuted as torture and cruel, inhuman, and degrading treatment.

The use of these techniques not only violated well-established law and military doctrine, but also endangered U.S. troops and personnel, hindered the war effort, and betrayed the country's values, damaging the United States' stature around the world as a beacon for human rights and the rule of law. We know that the United States is strongest when it remains faithful to its core values. The use of torture and cruel, inhuman, and degrading treatment undermines those values, and Mr. Bradbury continually represented their use as legal and advisable during his time serving in the Bush Administration.

The general goes on to say further:

In recommending these techniques, Mr. Bradbury also displayed a discomfiting deference to the executive branch's wishes, tailoring his legal recommendations to fit the White House's preferred outcome, and even testified in a Senate Judiciary Committee hearing that "the President is always right."

Mr. Bradbury's recommendations also contradicted the intent of Congress. In 2005, Congress passed the Detainee Treatment Act with a vote of 90-9. The law prohibited abuse of detainees by the U.S. military and agencies, but Mr. Bradbury authored a legal memo specifically designed to undermine the will of Congress and to provide the Bush Administration with authorization to continue using interrogation methods that constitute torture and cruel, inhuman, and degrading treatment.

I believe that this is more important than political affiliation. Mr. Bradbury has time and again shown his willingness to contravene established law and the intent of Congress in service to the will of the executive branch. Though the position to which he is nominated likely will not involve decisions on national security issues, I believe that based on his past governmental service, Mr. Bradbury is not fit for this political office. I ask you respectfully to oppose his nomination.

That letter is signed:

Semper Fidelis,

CHARLES C. KRULAK,  
General, USMC (Ret.)

31st Commandant of the Marine Corps.

Also opposing Mr. Bradbury's nomination are 14 former national security law enforcement, intelligence, and interrogation professionals whose experience include service in the U.S. military, the Federal Bureau of Investigation, the Central Intelligence Agency, the Drug Enforcement Administration, the Defense Intelligence Agency, the Army Criminal Investigation Command, and the Naval Criminal Investigative Service.

They wrote:

We write today to express our opposition to the nomination of Mr. Steven Bradbury to serve once again in a position of significant responsibility within the U.S. government as general counsel of the Department of Transportation.

Our opposition stems from the necessary judgment and personal courage this office requires to provide candid and objective legal advice to policymakers that may be seeking politically expedient policy solutions.

We dedicated our professional lives to keeping our nation safe. That work demanded using every resource at our disposal, including and especially our moral authority. Our enemies act without conscience. We must not.

Mr. Bradbury spent many years serving in the Department of Justice—including as acting head of the Office of Legal Counsel—during the George W. Bush Administration.

In this position, he prepared official memoranda that provided legal cover for other agencies in the U.S. Government to employ a program of interrogation tactics that amounted to torture or cruel, inhuman, or degrading treatment.

These brutal methods—which included waterboarding—fundamentally violated domestic and international law governing detainee treatment and caused untold strategic and operational harm to our national security.

As former interrogators, intelligence, and law enforcement professionals with extensive firsthand experience in the field of interrogation, we were shocked by Mr. Bradbury's attempt to defend the use of the waterboard and other torture tactics based on the incorrect assertions that their use would not cause severe physical pain or suffering and would produce valuable intelligence.

In our professional judgment, torture and other forms of detainee abuse are not only immoral and unlawful, they are ineffective and counterproductive in gathering reliable intelligence. They also tarnish America's global standing, undermine critical alliances, and bolster our enemies' propaganda efforts.

If the Senate confirms Mr. Bradbury, it would send a clear message to the American public that authorizing the use of torture is not only acceptable, but is not a barrier to advancement into the upper ranks of our government.

We understand that Mr. Bradbury did not act alone in authorizing torture, but as his nomination is before you, we ask you to take this opportunity to reaffirm our commitment to the ideals we strive to uphold by rejecting his nomination.

Torture is not a partisan issue. Our respect for human dignity is timeless, and we must never risk our national honor to prevail in any war. Your vote to reject this nomination would reflect the morally sound leadership that this country needs and would not forget.

In another letter dated July 27, 2017, to the Commerce Committee, retired U.S. Air Force Col. Steven Kleinman wrote:

I write to express my deep concerns about confirming Mr. Bradbury to serve once again in a position of significant trust and responsibility within the U.S. Government.

I do not for a moment question his legal credentials; rather, my apprehension centers around the equally important elements of judgment and personal courage necessary to provide legal advice that might run counter to the positions advocated by his superiors.

History records that we have been down this road once before with Mr. Bradbury and he was found sadly wanting.

As I trust you are aware, Mr. Bradbury served in senior positions within the Department of Justice—including as acting head of the Office of Legal Counsel—during the George W. Bush Administration.

In that capacity, he prepared official memoranda that provided legal cover for other agencies of the U.S. Government to implement a program of severely coercive interrogation practices.

These practices included an array of tactics—to include waterboarding—that fundamentally violated domestic and international law prohibiting cruel, inhuman, and degrading treatment.

As an officer with extensive experience in both strategic interrogation and in training members of the U.S. Armed Forces to resist hostile interrogation, I was taken aback by Mr. Bradbury's attempt to defend the use of the waterboard based on wholly unfounded conjecture that it would not cause severe physical pain or suffering.

If the committee were to favorably report this nomination to the full Senate, it would be sending a clear and undeniable message to the world, and, more importantly, to the American public: Definitive action to support the institutional use of torture is acceptable.

Clearly, Mr. Bradbury acted in concert with an untold number of others within our government, and I am not asking that he be singled out for his actions.

At the same time, his nomination is the one before you . . . and with it an opportunity for the committee members to act on behalf of all Americans in taking a vital step toward reclaiming the moral high ground.

From the perspective of this American, the debate over torture is not one that can be subject to partisan debate. Instead, torture is something that is so inherently wrong and

so contrary to this nation's traditional values that it can be one issue around which the entire country—and the U.S. Senate—can rally.

Your vote to unfavorably report this nomination to your colleagues would be a much-needed demonstration of ethical leadership that would not soon be forgotten.

It is signed "Very Respectfully, Steven M. Kleinman, Colonel, U.S. Air Force, Retired."

Former Navy general counsel Alberto Mora wrote:

While acting as the head of the Office of Legal Counsel, Steven Bradbury proved himself to be an advocate for the brutal treatment of detainees, and then, when the Congress enacted the McCain amendment to strengthen the legal prohibitions against cruelty, he counseled the administration on legal strategies on how to circumvent the law and the Congress's will.

In exercising its advice and consent duty with respect to the nominations of senior counsel to serve in this, or any, administration, the Senate should take care to confirm only those individuals with a clear record of respect for the law and for the power of Congress as a coordinate and equal branch of government. Steven Bradbury's record, unfortunately, demonstrates a disrespect for both.

In a June 22, 2017, letter to the Commerce Committee, 14 human rights organizations highlighted their opposition to Mr. Bradbury's nomination:

We write to express our serious concerns regarding the nomination of Steven G. Bradbury for general counsel of the Department of Transportation (DOT).

Mr. Bradbury's role in justifying torture and cruel, inhuman, or degrading treatment of individuals held in U.S. custody marked him as an architect of the torture program.

Not only should the Senate be concerned about confirming a nominee who had a central role in the criminal violation of human rights, but his work during that period calls into question his ability to provide the kind of rigorous, independent legal analysis that is required of any top government lawyer.

Mr. Bradbury was acting head of the Department of Justice's (DOJ) Office of Legal Counsel (OLC) from 2005 to 2009. During that time, Mr. Bradbury wrote several legal memoranda that authorized waterboarding and other forms of torture and cruel, inhuman, or degrading treatment. As such, he is most prominently—and correctly—known as one of the authors of the "torture memos."

His analysis directly contradicted relevant domestic and international law regarding the treatment of prisoners and helped establish an official policy of torture and detainee abuse that has caused incalculable damage to both the United States and the prisoners it has held.

Mr. Bradbury's role in the torture program, even then, was notorious—so much so that the Senate refused to confirm him as assistant attorney general for the Office of Legal Counsel during the Bush Administration.

The Senate now knows even more about Mr. Bradbury's record, and the harm caused by his opinions, based on oversight by the Senate Select Committee on Intelligence and its report on the Central Intelligence Agency's use of torture and abuse.

In Mr. Bradbury's time as acting head of the OLC, he demonstrated an unwavering willingness to defer to the authority and wishes of the president and his team instead of providing objective and independent counsel.

During congressional testimony in 2007, Mr. Bradbury responded to questions about

the president's interpretation of the law of war by declaring, "The President is always right"—a statement that is as outrageous as it is inaccurate.

The DOJ Office of Professional Responsibility reviewed Mr. Bradbury's "torture memos" and determined they raised questions about the objectivity and reasonableness of Mr. Bradbury's analyses; that Mr. Bradbury relied on uncritical acceptance of executive branch assertions; and that in some cases Mr. Bradbury's legal conclusions were inconsistent with the plain meaning and commonly held understandings of the law.

Senior government officials from the Bush Administration who worked with Mr. Bradbury have said that they had "grave reservations" about conclusions drawn in the Bradbury torture memos and have described Mr. Bradbury's analysis as flawed, saying the memos could be "considered a work of an advocacy to achieve a desired outcome."

Moreover, Mr. Bradbury's 2007 torture memo was written with the purpose of evading congressional intent and duly enacted Federal law.

The Detainee Treatment Act of 2005, legislation that passed the Senate with a vote 90-9, stated, "No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment." However, Mr. Bradbury's memo explicitly allowed the continuation of many of the abusive interrogation techniques that Congress intended to prohibit in the DTA.

Perhaps most concerning from a congressional oversight perspective, Mr. Bradbury affirmatively misrepresented the views of members of Congress to support his legal conclusions.

Specifically, in his 2007 memo, he relied on a false claim that when the CIA briefed "the full memberships of the House and Senate Intelligence Committees and Senator MCCAIN . . . none of the Members expressed the view that the CIA detention and interrogation program should be stopped, or that the techniques at issue were inappropriate."

In fact, Senator MCCAIN had characterized the CIA's practice of sleep deprivation as torture both publicly and privately, and at least four other Senators raised objections to the program.

As a senior government lawyer, Mr. Bradbury authorized torture and cruel treatment of detainees in violation of U.S. and international law.

Mr. Bradbury demonstrated either an inability or an unwillingness to display objectivity and reasonableness in evaluating the president's policy proposals.

We ask that in reviewing Mr. Bradbury's nomination for general counsel of the Department of Transportation, another profoundly important position of public trust, you take these serious and disturbing factors into consideration.

That letter was signed by the American Civil Liberties Union, Appeal for Justice, Center for Constitutional Rights, Center for Victims of Torture, the Constitution Project, the Council on American-Islamic Relations, Defending Rights and Dissent, Human Rights First, Human Rights Watch, the Leadership Conference on Civil and Human Rights, the National Religious Campaign Against Torture, Open Society Policy Center, Physicians for Human Rights, and Win Without War.

Earlier this year, a group of 176 of the most respected retired generals and admirals wrote to then President-Elect

Trump urging him to reject the very kinds of torture and cruel treatment Mr. Bradbury authorized. They wrote:

We have over six thousand years of combined experience in commanding and leading American men and women in war and in peace, and believe strongly in the values and ideals that our country holds dear. We know from experience that U.S. national security policies are most effective when they uphold these ideals.

For these reasons, we are concerned about statements made during the campaign about the use of torture or cruel, inhuman, or degrading treatment of detainees in U.S. custody. The use of waterboarding or any so-called "enhanced interrogation techniques" is unlawful under domestic and international law.

Opposition to torture has been strong and bipartisan since the founding of our republic, through the administration of President Ronald Reagan to this very day. This was reinforced last year when the Congress passed the McCain-Feinstein anti-torture law on an overwhelmingly bipartisan basis.

Torture is unnecessary. Based on our experience—and that of our Nation's top interrogators, backed by the latest science—we know that lawful, rapport-based interrogation techniques are the most effective way to elicit actionable intelligence.

Torture is also counterproductive because it undermines our national security. It increases the risk to our troops, hinders co-operations with allies, alienates populations whose support the United States needs in the struggle against terrorism, and provides a propaganda tool for extremists who wish to do us harm.

Most importantly, torture violates our core values as a nation. Our greatest strength is our commitment to the rule of law and to the principles embedded in our Constitution. Our servicemen and women need to know that our leaders do not condone torture or detainee abuse of any kind.

I know some people might not understand why these enhanced interrogation techniques are a problem so let me just take a few moments to explain what they are.

Waterboarding. Waterboarding is a well-known torture tactic. Waterboarding creates the sensation of asphyxiation or drowning. The detainee is immobilized on his back and water is poured over a cloth covering his face. Far from the "dunk in the water" Dick Cheney has referred to, internal CIA reports describe instances of waterboarding as "near drownings."

Detainees were often waterboarded repeatedly. Khalid Shaikh Mohammed was waterboarded at least 183 times. Another detainee, Abu Zubaydah, was waterboarded so often that it led him at least once to become completely unresponsive, with bubbles rising through his mouth. This torture tactic may also lead to bleeding from the ears, severe lung and brain damage, and lasting psychological damage.

If we waterboard our prisoners, they will waterboard our men and women when they become prisoners.

Walling. Walling is a torture technique that involves encircling the detainee's neck with a collar or a towel and slamming him against the wall. Despite a requirement to use a false wall to avoid injury, Abu Zubaydah

was slammed against a concrete wall. Even in the event of using a false wall, detainees suffered extreme injury. Abu Ja'far al-Iraqi suffered from an edema, or swelling on his head, as a consequence of walling with the use of a false wall.

If we use this technique on our prisoners, they will use this technique on our men and women in uniform if they were to capture them.

Sleep deprivation. The detainees were kept awake by being shackled, forced to stand, or kept in stressed positions in an attempt to destroy their capacity for psychological resistance. This was routinely combined with nudity and/or round-the-clock interrogation. Although not overtly violent, extended periods of sleep deprivation can have painful and damaging mental and physical effects. After being forced to stand for 54 hours, Abu Ja'far al-Iraqi required blood thinners to treat the swelling in his legs. Following 56 hours without sleep, Arsala Khan suffered from violent hallucinations of dogs mauling and killing his family.

If we—the United States of America—use this technique on our prisoners, our enemies will use this technique on our men and women in uniform should they be captured.

Standing on broken feet. As an extreme form of sleep deprivation, two detainees—Abu Hazim and Abd al-Karim—were forced to stand for hours with broken feet. Despite recommendations that he avoid weight bearing for 3 months, Abu Hazim underwent 52 hours of standing sleep deprivation on his broken foot barely a month after his diagnosis. While injured, these detainees were also subject to walling.

Again, when we do this to our prisoners, our enemies would do this to our troops.

Solitary confinement. Detainees were regularly confined with no opportunity for social interaction. This is often combined with nudity, sensory deprivation, total darkness, or constant light, and shackling. Abu Zubaydah was isolated naked in a cell with bright lights and white noise or loud noise playing. At one point, he was kept for 47 days in total isolation.

The dangers of solitary confinement were recognized by the U.S. Supreme Court as early as 1890 in *In re Medley*, where the Court described prisoners becoming violently insane, committing suicide, and the partial loss of their mental activity.

If we do this to our prisoners, they would do it to our troops.

Stress positions. These positions are designed to cause pain and discomfort for extended periods of time and were often used in combination with sleep deprivation. Detainees were shackled with their arms over their heads, forced to stay standing, or were placed in cramped confinement, such as coffin-sized boxes.

Abd al-Rahim al-Nashiri was subjected to improvised stress positions that not only caused cuts and bruises

but led to the intervention of a medical officer who was concerned that his shoulders would be dislocated. Abu Zubaydah was confined to a coffin-shaped box for a total of over 11 days.

If we do this to our prisoners—and Mr. Bradbury justified this—they would do it to our troops.

Rectal feeding and rectal exams. Rectal feeding was used for prisoners who refused food and entails insertion of a tube containing pureed food into the detainee's anal passage. This was used for behavioral control, without medical necessity, despite risks of damage to the colon and rectum or of food rotting inside the digestive tract. One detainee, Mustafa Ahmed al-Hawsawi, suffered a rectal prolapse likely caused by overly harsh rectal exams.

If we do this to our prisoners—and Mr. Bradbury's memo made it so we could—they would do this to our troops should our troops be captured by the enemy.

Nudity. This form of sexual humiliation relies on cultural and religious taboos and required detainees to be fully or partially naked during interrogations or when shackled. Nudity was also regularly combined with cold temperatures and cold showers. One detainee, Gul Rahman, died of suspected hypothermia following 48 hours of sleep deprivation, half naked, in an extremely cold room.

Again, if we do this to our prisoners—and Mr. Bradbury wrote the legal justification allowing this to happen—they will do this to our troops. We do not want this man in the U.S. Government making more decisions about what is right and what is wrong and how to protect the American public. If he was willing to do this and allow this to happen, what can we trust him to have good judgment on?

In a September 6, 2006, article by Sean Alfano at CBS/AP entitled "U.S. Army Bans Torture Of Prisoners," he wrote:

A new U.S. Army manual bans torture and degrading treatment of prisoners, for the first time specifically mentioning forced nakedness, hooding and other procedures that have become infamous since the Sept. 11, 2001 terrorist attacks. Delayed more than a year amid criticism of the Defense Department's treatment of prisoners, the new Army Field Manual was released Wednesday, revising [a previous] one from 1992.

It also explicitly bans beating prisoners, sexually humiliating them, threatening them with dogs, depriving them of food or water, performing mock executions, shocking them with electricity, burning them, causing other pain and a technique called "water boarding" that simulates drowning, said Lt. Gen. John Kimmons, Army Deputy Chief of Staff for Intelligence.

Officials said the revisions are based on lessons learned since the U.S. began taking prisoners in response to the Sept. 11, 2001, attacks on the United States.

Release of the manual came amid a flurry of announcements about the U.S. handling of prisoners, which has drawn criticism from Bush administration critics as well as domestic and international allies.

The Pentagon also announced an overall policy statement on prisoner operations. And

President George W. Bush acknowledged the existence of previously secret CIA prisons around the world where terror suspects have been held and interrogated, saying 14 such al Qaeda leaders had been transferred to the military prison at Guantanamo Bay and will be brought to trial.

An international outcry about prisoner rights began shortly afterward. Human rights groups and some nations have urged the Bush administration to close the prisons at the U.S. naval base in Guantanamo Bay, Cuba, since not long after it opened in 2002 with prisoners from the campaign against al Qaeda in Afghanistan. Scrutiny of U.S. treatment of prisoners shot to a new level in 2004 with a release of photos showing U.S. troops beating, intimidating and sexually abusing prisoners at Abu Ghraib in Iraq—and then again with news of secret facilities.

Though defense officials earlier this year debated writing a classified section of the manual to keep some interrogation procedures a secret from potential enemies, Kimmons said Wednesday that there is no secret section to the new manual.

Defense Secretary Donald H. Rumsfeld has said from the start of the counter-terror war that prisoners were treated humanely and in a manner "consistent with Geneva Conventions."

But President George W. Bush decided shortly after the Sept. 11 attacks that since it was not a conventional war, "unlawful enemy combatants" captured in the fight against al Qaeda would not be considered prisoners of war and thus would not be afforded the protections of the convention.

The new manual, called "Human Intelligence Collector Operations," applies to all the armed services, not just the Army. It does not cover the Central Intelligence Agency, which also has come under investigation for mistreatment of prisoners in Iraq and Afghanistan and for allegedly keeping suspects in secret prisons elsewhere around the world since the Sept. 11 attacks.

Sixteen of the manual's 19 interrogation techniques were covered in the old manual and three new ones were added on the basis of lessons learned from the counter-terror war, Kimmons said.

The additions are that interrogators may use the good-cop/bad-cop tact with prisoners, they may portray themselves as someone other than an American interrogator, and they may use "separation," basically keeping prisoners apart from each other so enemy combatants can't coordinate their answers with each other.

The last will be used only on unlawful combatants, not POWs, only as an exception and only with permission of a high-level commander, Kimmons said.

The Pentagon also on Wednesday released a new policy directive on detention operations that says the handling of prisoners must—at a minimum—abide by the standards of the Geneva Conventions and lays out the responsibilities of senior civilian and military officials who oversee detention operations.

"The revisions . . . took time," Deputy Assistant Secretary of Defense for Detainee Affairs Cully Stimson said at the briefing. "It took time because it was important to get it right, and we did get it right."

It is interesting that the Department of Defense took the time and the effort to rewrite their manuals as a result of the abuses that came about following Mr. Bradbury's legal justification for the use of torture.

Here is what the Army Field Manual 2-22.3 says. This is the Human Intelligence Collector Operations manual,



dated September 6, 2006. This is what the Army now teaches our soldiers:

All captured or detained personnel, regardless of status, shall be treated humanely and in accordance with the Detainee Treatment Act of 2005 and DOD Directive 2310.1E, "Department of Defense Detainee Program," and no person in the custody or under the control of DOD, regardless of the nationality or physical location, shall be subject to torture or cruel, inhuman, or degrading treatment or punishment, in accordance with and as defined in US law.

All intelligence interrogations, debriefings, and tactical questionings to gain intelligence from captured or detained personnel shall be conducted in accordance with applicable law and policy.

Applicable law and policy include US law; the law of war; relevant international law, relevant directives, including DOD Directive 3115.09, "DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning"; DOD Directive 2310-1E, "The Department of Defense Detainee Program"; DOD instructions; and military execute orders including FRAGOs. Use of torture is not only illegal but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the HUMINT collector wants to hear. Use of torture can also have many possible negative consequences at national and international levels.

All prisoners and detainees, regardless of status, will be treated humanely.

Cruel, inhuman, and degrading treatment is prohibited. The Detainee Treatment Act of 2005 defines "cruel, inhuman or degrading treatment" as the cruel, unusual, and inhumane treatment or punishment provided by the Fifth, Eighth, or Fourteenth Amendments to the U.S. Constitution.

This definition refers to an extensive body of law developed by the courts of the United States to determine when, under various circumstances, treatment of individuals would be inconsistent with American constitutional standards related to concepts of dignity, civilization, humanity, decency, and fundamental fairness.

All DOD procedures for treatment of prisoners and detainees have been reviewed and are consistent with these standards as well as our obligation under international law as interpreted by the United States.

Questions about applications not resolved in the field by reference to the DOD publications must be forwarded to higher headquarters for legal review and specific approval by the appropriate authority.

Isn't it amazing that it took the Army to contradict and to come up with the procedures to counter the very actions Mr. Bradbury was willing to condone? And we want this man back in government? He doesn't belong back in government. This is a man who has, as his first priority, not America's values, not the morality of this Nation, not humanity—his first value is: What is it that my boss wants me to say, and I will find a way to do it. He said just as much in testimony. That is not who we want as a top lawyer over in the De-

partment of Transportation. It is simply not acceptable.

In that same Army Field Manual, there is a section that talks about how interrogation should be conducted and the prohibited actions included, which are not limited to forcing the detainee to be naked, to perform sexual acts, or pose in a sexual manner, placing hoods or sacks over the head of a detainee, using duct tape over the eyes, applying beatings, electric shock, burns, or other forms of physical pain, waterboarding, using military working dogs, inducing hypothermia or heat injury, conducting mock executions, depriving the detainee of necessary food, water, or medical care.

The field manual goes on to say:

While using legitimate interrogation techniques, certain applications of approaches and techniques may approach the line between permissible actions and prohibited actions. It may often be difficult to determine where permissible actions end and prohibited actions begin. In attempting to determine if a contemplated approach or technique should be considered prohibited, and therefore should not be included in an interrogation plan, consider these two tests before submitting the plan for approval:

If the proposed approach technique were used by the enemy against one of your fellow soldiers, would you believe the soldier had been abused?

Could your conduct in carrying out the proposed technique violate a law or regulation? Keep in mind that even if you personally would not consider your actions to constitute abuse, the law may be more restrictive.

I wish those questions had been made available to Mr. Bradbury when he was writing his memo, because the actions he condoned in his memo certainly would have failed this very simple two-question test.

The manual says:

If you answer yes to either of these tests, the contemplated action should not be conducted. If the HUMINT collector has any doubt that an interrogation approach contained in an approved interrogation plan is consistent with applicable law, or if he believes that he is being told to use an illegal technique, the HUMINT collector should seek immediate guidance from the chain of command and consult with the SJA to obtain a legal review of the proposed approach or technique. . . . If the HUMINT collector believes that an interrogation approach or technique is unlawful during the interrogation of a detainee, the HUMINT collector must stop interrogation immediately and contact the chain of command for additional guidance.

This is not something that Steven Bradbury did or has even now stated that he wished he had done, because his memo, which allowed all the torture techniques I have already detailed, would truly have failed these two tests, and he would have failed in moving forward with his memo to do the basic thing, which is to stop an illegal activity from occurring.

At this point, the Army Field Manual provides some caution:

Although no single comprehensive source defines impermissible coercion, certain acts are clearly prohibited. Certain prohibited physical coercion may be obvious, such as

physically abusing the subject of the screening interrogation. Other forms of impermissible coercion may be more subtle, and may include:

Threats to turn the individual over to others to be abused; subjecting the individual to impermissible humiliating or degrading treatment; implying harm to the individual or his property. Other prohibited actions include implying a deprivation of applicable protections guaranteed by law because of a failure to cooperate; threatening to separate parents from their children; or forcing a protected person to guide US forces in a dangerous area. Where there is doubt, you should consult your supervisor or servicing judge advocate.

This is the problem. Mr. Bradbury, in writing this memo, showed absolutely no attempt or even desire to figure out whether what he was trying to justify was truly legal, in keeping with American values, or was the right thing to do for the United States. He simply moved forward with drafting this memo because the President of the United States wanted it to happen. That is not the democracy we live in. We don't live in a dictatorship. We are the greatest democracy on the face of the Earth because we are individuals who have the right to exercise a moral authority and to speak up. Mr. Bradbury showed none of that.

Even in testimony, he has expressed no regrets in the legal wranglings that he went through in order to justify torture. He showed no introspection, no thought as to whether it was the right thing to do. As far as he was concerned, his superiors wanted him to do this, so he did it.

What is he going to do at the Department of Transportation? What is he going to do when someone there tells him: The airbag manufacturers have decided it is just too expensive, so we need you to come up with justification for us to stop using airbags?

What he is going to do when people come to him and say: We really want to increase alcohol sales, so I think we should get rid of drunk driving laws? What he is going to do?

He has shown that he is willing to do whatever his superiors have asked him to do and that he is just the right guy for the job if they want a lawyer who is going to execute legal gymnastics to find a way to make something happen. Do we really want that person at the very top of the legal department of the Department of Transportation—not to mention the fact that once he is Senate-confirmed and in the Department of Transportation, it is that much easier to move him to another Senate-confirmed position, and there is no guarantee that he will not make his way back over to the Department of Justice to create more harm.

I ask my colleagues, if you care about this country, if you care about our troops who are in harm's way right now, please understand what it means to our troops who are downrange right now in all corners of the globe—facing the enemy, facing potentially being captured in the execution of their duties, protecting and defending our

great United States—to know that the enemy believes that America tortures and to know that they are at that much greater risk, if they were to be captured, to be tortured themselves.

I can't oppose Mr. Bradbury's nomination strongly enough. His most prominent, consequential work was to justify unlawful torture and detainee abuse. His comments in testimony during his confirmation hearings did not alleviate any of my concerns.

I know many of my colleagues are considering voting yes on this man because they think: Well, he is going to be over in the Department of Transportation. That was years ago; he will not have to write legal justification for the use of torture again, and we have passed laws about it since then. But he has shown that despite existing laws, he was able to find a way to get around them to justify torture. How do we know he will not do the same thing again at the Department of Transportation when it comes to public safety? What about our kids who ride school buses to school? They deserve protections.

The American public deserves protections. What they don't deserve is a man who has no moral compass when it comes to what is right and what is wrong but only a compass that asks: What do my bosses want me to do? That is not what the American people need. That is certainly not something we should be voting for.

If, in conversations with Mr. Bradbury, he promised you that he would be independent, I just ask you to look at his record. He has never been independent. In fact, when asked if he would recuse himself from various cases, he, in committee, avoided answering those questions, did not answer them straightforwardly, and showed he is simply not willing to commit to doing what is right.

I don't know how anyone can vote for him. I don't know what he has said in private conversations—what he says he thinks he would do at the Department of Transportation. All I can ask is for my colleagues to please look at the evidence, and the evidence is overwhelming. This is a man who cannot be trusted with the values of this country. He cannot be trusted to do what is right on behalf of the American people. He is not someone who will speak truth to power. If anything, this is a time in this country that we need more people who will speak truth to power, not someone who will kowtow to power, and that is exactly the kind of person Mr. Bradbury is. He is an unprincipled lawyer who will be paired with an unprincipled executive, and that is a dangerous combination regardless of what agency he serves.

Again, I ask my colleagues to please vote no on Mr. Bradbury. I cannot oppose his nomination strongly enough. If you have any questions, please come talk to those of us who have worn the uniform of this great Nation, who know what it is like to be in jeopardy

of being captured by the enemy, who know what it is like to hope and pray that the nations around the world—which view America's conduct as the bellwether for how we treat others—know that they themselves will be treated in the same manner that we treat our prisoners.

Those troops in harm's way right now know that because of Mr. Bradbury, they are less safe and they are less able to do their jobs. When our troops go into harm's way, they should focus only on getting the job done, not on what might happen should they get captured. Thanks to Mr. Bradbury, that is a real threat for them now.

Again, I ask my colleagues to please say no.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOEVEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking the Senator from Illinois. Not only did she serve this country, she sacrificed for this country. I for one, as I see her rolling up and down the aisles and through the halls, am just so proud and so thankful for her, for her family, for her work, and particularly I thank her for these comments. I think the Senator is very worthy, and I am delighted to be her colleague.

Mr. President, I, too, rise in strong opposition to the confirmation of Steven Bradbury to serve as general counsel in the Department of Transportation.

Steven Bradbury has a troubling history of disregard for United States and international law and seems unable to offer objective legal analysis. Both of these troubling characteristics were on display when he helped justify the CIA's torture program.

I was on the Intelligence Committee during this period of time—and still am—and one of the things we wanted to see were the Office of Legal Counsel memoranda. The OLC memos were never given to us, although individuals from the Department came and spoke to us about them.

Steven Bradbury was head of the Justice Department's Office of Legal Counsel from 2005 to 2009. During that time, he wrote four legal memos—finally declassified, finally here—and this is what they look like. Those memos provided the legal foundation for waterboarding and other interrogation techniques that were tantamount to torture.

The first memo, written on May 10, 2005, concludes that the use of so-called enhanced interrogation techniques was lawful. This memo, which addressed torture techniques including waterboarding, was written to replace the previous classified Office of Legal Counsel opinions.

The second memo, also written on May 10, found that the use of multiple interrogation techniques would not violate U.S. law because there would be no severe mental pain or suffering, just physical distress.

The third memo, written on May 30, 2005, reaffirmed a previous OLC opinion that the CIA's use of torture, such as waterboarding, was not prohibited by the Convention against Torture, so long as it was done overseas. That memo also concluded that constitutional prohibitions against cruel, unusual, and inhumane treatment or punishment did not apply.

The fourth memo, written on July 20, 2007, concluded that the continued use of six enhanced interrogation techniques by the CIA, including forced nudity and extended sleep deprivation, did not violate the Detainee Treatment Act or the War Crimes Act or the Geneva Conventions.

By writing these four memos, Bradbury not only provided the feeble foundation upon which the CIA violated well-established law and military doctrine, he also endangered U.S. troops—as the Senator from Illinois has pointed out—betrayed our country's values, and compromised our standing as a world leader.

The tactics used by the CIA were not only more brutal than was known, they also didn't produce actionable intelligence. We have a 7,000-page document, with 32,000 footnotes, which took 6 years of reviewing cables and information—all factual, not declassified, and a summary was declassified—and to date, nothing in it has been contradicted. Capturing terror suspects and torturing them in secret facilities failed. Period.

Among Bradbury's many troubling conclusions in these memos were that neither the Constitution's prohibitions against inhumane treatment nor the U.N. Convention Against Torture applied to the CIA's activities outside U.S. territory. That is interesting.

Even more troubling, Bradbury's 2007 memo was written with the purpose of evading congressional intent. It is stunning that the head of the Office of Legal Counsel would knowingly work to find loopholes in the law to justify the use of torture.

On October 5, 2005, the Senate voted 90 to 9 to approve the Detainee Treatment Act of 2005. This law stated: "No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment."

However, less than 2 years later, Bradbury's fourth torture memo explicitly allowed the CIA to continue many of the abusive interrogation techniques that Congress clearly intended to prohibit in the Detainee Treatment Act of 2005. These include forced nudity and extended sleep deprivation. This should be a disqualifier for

continued service in the U.S. Government, regardless of the position, I believe.

It is true that Congress settled this matter in June of 2015 when, thanks to Senator MCCAIN, we voted overwhelmingly to prohibit torture in that year's National Defense Authorization Act, but that doesn't change the fact that Bradbury did his best to bypass Congress a decade earlier by writing those torture memos.

It is also true that as general counsel of the Transportation Department, Bradbury wouldn't be tasked with duties connected to detainees. But by ignoring the intent of Congress in order to justify the CIA's continued use of torture, Bradbury ignored the law to achieve a desired result and that is unacceptable.

Even the Justice Department found fault with Bradbury's actions. After the OLC torture memos came to light, the Department of Justice conducted an investigation of the facts and the circumstances surrounding those memos and DOJ's role in the implementation of the CIA interrogation program.

On June 29, 2009, the Justice Department found "serious concerns" about the objectivity and reasonableness of Bradbury's work. This included evidence that he gave into pressure in order to produce opinions that would allow the CIA torture program to continue.

The Department of Justice report cited several Bush administration officials who believed Bradbury was producing opinions with the goal of allowing the program to continue.

Jim Comey, who served as Deputy Attorney General at the time of Bradbury's memos, said there was significant pressure from the White House—specifically Vice President Cheney and his staff—to allow the program to continue. Comey said that one would have to be "an idiot not to know what was wanted." Comey also said that in his opinion, Bradbury knew that "if he rendered an opinion that shut down or hobbled the [interrogation] program the Vice President . . . would be furious."

John Bellinger, who in 2007 served as legal advisor to Secretary of State Condoleezza Rice, wrote to Bradbury and stated that he was "concerned that the [2007 Bradbury] opinion's careful parsing of statutory and treaty terms" would be considered "a work of advocacy to achieve a desired outcome."

The DOJ was also concerned that Bradbury relied too heavily on the CIA's reviews of its own interrogation program, which of course were positive.

During a time when we needed independent voices in government to check the CIA's actions, Bradbury failed to rise to the occasion. He failed to fulfill the responsibilities of his position.

The Senate twice refused to confirm Bradbury as Assistant Attorney General for the Office of Legal Counsel during the Bush administration be-

cause of this very issue. Nothing has changed since that time. I urge my colleagues to oppose his nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STRANGE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I rise today to speak in opposition to the nomination of Steven Bradbury to be the general counsel of the Department of Transportation. I must say to my colleagues, of the years that I have been here, I never thought that we would be considering the nomination of a person who supported the commission of what the Geneva Convention says are war crimes. That is a serious, serious issue. And the Constitution charges the Senate to give its advice and consent to senior executive branch nominations as a check against the appointment of people to an important government position who, because of one failure or another, should not be entrusted with the interests of the American people. I do not believe that Mr. Bradbury deserves that public trust, and I will oppose his nomination. I am astonished that we are here, considering the nomination of a person who is in violation of the Geneva Convention, the rules of war to which the United States of America is signatory.

Some of us remember that Mr. Bradbury served as the acting head of the Department of Justice's Office of Legal Counsel from 2005 to 2009. During this time, he authored a few of what have become to be known infamously as the torture memos, which provided the legal justifications for 13 types of enhanced interrogation techniques employed by the CIA against detainees held by the United States under law of war authorities.

My dear friends and colleagues, the term "enhanced interrogation techniques" is a euphemism. These memos provided a legal framework for the use of methods that include waterboarding, which is a mock execution and an exquisite form of torture in which the victim suffers the terrible sensation of drowning. In discussing this practice, we are speaking of an interrogation technique that dates from the Spanish Inquisition and has been a prosecutable offense for over a century. It is among the crimes for which Japanese war criminals were tried and hanged following World War II and was employed by the infamous Khmer Rouge in Cambodia. I repeat. The Japanese war criminals were tried and hanged following World War II for—guess what—waterboarding. Of course, the Khmer Rouge, whom we all know about, was also one of those.

I must say to my colleagues that in the years I have been here in the U.S.

Senate, I never believed that I would be voting against an individual who justified the practice of torture. All you have to do is read the Geneva Conventions, to which the United States of America is signatory, and you will see that Mr. Bradbury's memos, which basically justified torture, were in direct contravention.

The memos of which Mr. Bradbury was the author provided the justifications for the inhumane interrogation of detainees by using methods such as forced nudity and humiliation, facial and abdominal slapping, dietary manipulation, stress positions, cramped confinement, striking, and more than 48 hours of sleep deprivation. I would challenge Mr. Bradbury to go through 48 hours of sleep deprivation before he signs off on another memo. Worse, the legal justifications for these techniques were interpreted to permit their use simultaneously, over long periods of time, which constituted what I and many others who are familiar with these techniques believe are torture—torture inflicted by the representatives of a Nation founded on the ideal that all people are born with equal dignity and that even enemies who scorn our ideals, once they are our prisoners, are to be spared cruel, inhuman, and degrading treatment.

The memos authored, in part, by Mr. Bradbury justified the use of these techniques under article 16 of the United Nations Convention against Torture and declared them not in contravention to article 3 of the Geneva Conventions, which prohibits "outrages upon personal dignity"—those are the Geneva Conventions to which the United States is signatory—and violence to a life of a person. Most people, including, I am sure, Mr. Bradbury, have never been tightly bound, made to remain in a stress position, and deprived of sleep for 48 hours. Let me assure my colleagues that anyone who has suffered such treatment will know that he has been tortured.

The two main memos that Mr. Bradbury wrote and signed were entitled "Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees" and "Application of the War Crimes Act, the Detainee Treatment Act, and Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees."

In the Senate Select Committee on Intelligence's study of detention and interrogation program, CIA leadership and interrogators frequently cited these two Bradbury memos as the legal justification that permitted them to use enhanced interrogation techniques. These techniques amounted to de facto torture. Put simply, Mr. Bradbury's memos were permission slips for torture. I repeat to my colleagues who are about to vote for him that his memos were permission slips for torture.

I wonder, of someone who is responsible for what he justifies, how he sleeps. I wonder how he gets rest. Doesn't the face of that person who has been deprived of sleep for 48 hours ever pop into his mind?

I have long said that I understand the reasons that governed the decision to approve these interrogation methods, and I know that those who approved them and those who employed them in the interrogation of captured terrorists were dedicated to protecting the American people from harm. I know that they were determined to keep faith with the victims of terrorism and prove to our enemies that the United States would pursue justice relentlessly and successfully no matter how long it took. I know that their responsibilities were grave and urgent and that the strain of their duty was considerable. I admire their dedication and love of country, but I argued then and I argue now that it was wrong to use these methods, that it undermined our security interests, and that it contradicted the ideals that define us and which we have sacrificed so much to defend.

While Mr. Bradbury has justified his work on these torture memos as the duty of a lawyer representing his client, the Commander in Chief of the United States, I believe that he had a higher duty, as do all who serve this country, to defend our most cherished ideals from wholesale violation in the name of self-defense. Leave aside the fact that, as intelligence-gathering tools, torture is mostly useless and has been proven to be so by the record assembled by the Intelligence Committee. We have led by example and sacrificed blood and treasure to advance our ideals around the world only to undermine our good reputation in a crucible in which we allowed fears to get the better of our decency.

While it is true, as Mr. Bradbury and his supporters claim, that the memos issued under his name improved upon the sloppy and more expansive legal work done by his predecessors, I do not think that that absolves Mr. Bradbury of his role in this dark chapter of American history. Indeed, a more meticulous justification for torture is still a justification for torture—and, arguably, a more pernicious one.

Let's not pretend that there was no direct connection between the legal work done by Mr. Bradbury and the abuses that followed. The memos that bear his name made it possible for Khalid Sheikh Mohammed—a monster and a murderer, to be sure, but a detainee held in U.S. custody under the laws of armed conflict—to be waterboarded 183 times. I repeat. Khalid Sheikh Mohammed was waterboarded 183 times. This technique was used so gratuitously that even those applying it eventually came to believe that there was no reason to continue. They were ordered to do so anyway.

The memos also made it possible for Abu Zubaydah, an alleged al-Qaida op-

erative, to be subjected to waterboarding two to four times a day, rendering him so distressed that he was unable to speak. The damaging effects of waterboarding cannot be overstated. According to the Senate Intelligence Committee's report on torture, Zubaydah's waterboarding sessions "resulted in immediate fluid intake and involuntary leg, chest and arm spasms" and hysterical pleas. In at least one session, "Zubaydah became completely unresponsive, with bubbles rising through his open, full mouth," and he required medical intervention.

The memos that bear Mr. Bradbury's name also made it possible for a Libyan detainee and his wife to be rendered to a foreign country where the woman was bound and gagged, while being several months pregnant, and photographed naked as several American intelligence officers watched.

I wonder what our average citizens would think when we tell them that an agent of the American Government took a woman who was several months pregnant and bound, gagged, and photographed her naked as several American intelligence officers watched. I am told that that picture still exists somewhere in the archives that has recorded this shameful period in our history.

In voting against Mr. Bradbury's nomination, as I also voted last week for similar reasons against Mr. Steven Engel's nomination to head the Department of Justice's Office of Legal Counsel, I am making it clear that I will not support any nominee who justified the use of torture by Americans. The laws of war were carefully created to be precise and technical in nature but also to leave room for interpretation, even at the risk of abuse by the executive branch. This makes the duty of government lawyers all the more significant. They must serve as guardians of our ideals and our obligations under international law. They are the safeguards and checks on the conscience of our government, and I cannot in good faith vote to confirm lawyers who have fallen short in this awesome responsibility.

I will cast my vote against Mr. Bradbury, not because I believe him to be unpatriotic or malevolent but because I believe that what is at stake in this confirmation vote, much as what we stand to gain or lose in the war we are still fighting transcends the immediate matter before us. Ultimately, this is not about Mr. Bradbury; this is not about terrorists. This is about us—who we are and who we will be in the future.

This is about what we lose when, by official policy or official neglect, we allow, confuse, or encourage those who fight this war for us to forget that best sense of ourselves. This is our greatest strength: When we fight to defend our security, we also fight for an idea—not a tribe, not a land, not a King, not a twisted interpretation of an ancient religion but for an idea that all men are created equal and endowed with unalienable rights.

It is indispensable to our success in this war that those we ask to fight it know that in the discharge of their responsibilities to our country, they are expected never to forget that they are Americans and the defenders of a sacred idea of how nations should be governed and conduct their relations with others, even our enemies.

Those of us who have given them this enormous duty are obliged by our history and the many terrible sacrifices that have been made in our defense to make clear to them that they need not risk our country's honor to prevail and that they are always, always, always Americans—and different, stronger, and better than those who would destroy us.

Mr. Bradbury's work many years ago did a disservice to our Nation and its defenders. I cannot in good conscience give him my trust to serve us again.

I am confident, because of the way this system works, that Mr. Bradbury will be confirmed, probably. This is a dark, dark chapter in the history of the United States Senate. We are legitimizing offenses against the code of the Geneva Conventions. We are harming the commitment that our forefathers made that we are all created equal. Unfortunately, we have now betrayed that sacred trust.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TILLIS. 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. TILLIS. Mr. President, I ask unanimous consent that all postcloture time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Bradbury nomination?

Mr. TILLIS. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 272 Ex.]

## YEAS—50

Alexander	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Shelby
Corker	Isakson	Strange
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	

## NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Paul
Blumenthal	Heinrich	Peters
Brown	Heitkamp	Reed
Cantwell	Hirono	Sanders
Cardin	Kaine	Schatz
Carper	King	Schumer
Casey	Klobuchar	Shaheen
Coons	Leahy	Stabenow
Cortez Masto	Manchin	Tester
Donnelly	Markey	Udall
Duckworth	McCain	Warner
Durbin	McCaskill	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

## NOT VOTING—3

Booker	Menendez	Van Hollen
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The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Bradbury nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## 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 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.

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 David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, 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. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 273 Ex.]

## YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Corker	Johnson	Strange
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

## NAYS—45

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Brown	Heinrich	Reed
Cantwell	Heitkamp	Sanders
Cardin	Hirono	Schatz
Carper	Kaine	Schumer
Casey	King	Shaheen
Coons	Klobuchar	Stabenow
Cortez Masto	Leahy	Tester
Donnelly	Manchin	Udall
Duckworth	Markey	Warner
Durbin	McCaskill	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

## NOT VOTING—3

Booker	Menendez	Van Hollen
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The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, the Senate has just invoked cloture on the nomination of David Zatezalo, of West Virginia, to be the Assistant Secretary for Mine Safety and Health. Mr. Zatezalo is uniquely qualified to lead the U.S. Department of Labor's Mine Safety and Health Administration because he knows the industry inside out. He has spent his career in mining, starting as a miner. He is a member of a union. He worked his way up to general superintendent in Southern Ohio Coal and was a general manager at AEP.

The Health, Education, Labor, and Pensions Committee approved his nomination on October 18, and I am glad the Senate will have the opportunity to vote on his confirmation.

## TAX REFORM

Mr. President, for a few minutes I would like to turn to another subject. Congress has turned its attention to tax reform, and our principal challenge is to find tax breaks and loopholes to eliminate so that we can lower rates for taxpayers.

I have a nomination. The top of the list should be ending the wind production tax credit. Congress has already recognized the need to end the wind production tax credit by passing legislation to phase out the credit by 2020.

The draft House tax proposal reduces the amount available for new wind turbines by returning the credit to its original value instead of adjusting it for inflation, but we should do better. Instead of phasing it out, we should end the wind production tax credit this year. Ending the wind production tax credit on December 31, 2017, would save over \$4 billion, which we could then use to lower tax rates for the American people.

The wind production tax credit has been in place for 25 years. It has been extended 10 different times by Congress. It was originally set to expire in 1999.

Tax credits are best used to jumpstart new and emerging technologies. It has been a quarter of a century. Wind turbines are no longer a new technology.

President Obama's Energy Secretary, Steven Chu, testified that he believes that wind is a mature technology. It is time to end this wasteful and expensive subsidy for a clearly mature technology.

To date, the wind production tax credit has already cost the taxpayers billions. For 8 years—from 2008 to 2015—the wind production tax credit cost taxpayers \$9.6 billion. That is more than \$1 billion per year.

According to the Congressional Research Service, the wind production tax credit is expected to cost taxpayers over \$23 billion between 2016 and 2020, and the cost to taxpayers will continue until 2030. That is because when you extend the wind production tax credit for 1 year, it is really for 10 years.

To benefit from the tax credit, wind developers must just begin construction of a wind project before December 31, 2019. Then those developers can reap the tax benefits for a decade.

Despite the billions Congress has provided in subsidies, wind energy still produces only 6 percent of our country's electricity and 17 percent of our country's carbon-free electricity. By contrast, nuclear is 20 percent of our electricity and 60 percent of our emissions-free, carbon-free electricity.

The wind blows only about one-third of the time. Until there is some way to store large amounts of wind, a utility still needs to operate nuclear, gas, and coal plants when the wind doesn't blow.

On average, wind turbines are over two times as tall as the skyboxes at the University of Tennessee's Neyland Stadium and taller than the Statue of Liberty. The blades on the windmills can be as long as a football field, and their blinking lights can be seen for 20 miles.

This isn't the first time that I have been to the Senate floor to express my concern about the wind production tax credit, but I believe that the conversation about energy subsidies and taxes is bigger than the wind production tax credit. As Congress examines ways to reduce tax rates and to broaden the base, we must be willing to look at all tax subsidies from mature technologies. That includes oil and gas subsidies. I am here today to challenge my colleagues to be willing to consider all energy subsidies from mature technologies—wind, solar, oil, gas—as candidates for elimination in a tax reform bill. Those dollars could be better spent to lower rates for taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to highlight yet another dangerous nominee who has been put forth by this administration.

During the campaign, President Trump made promise after promise to workers. He said he would put them first. He said he would bring back good-paying jobs to our struggling communities. While he made this promise to all workers, he specifically called out miners on more than one occasion, so it would stand to reason that President Trump would prioritize the Mine Safety and Health Administration and nominate a leader who is committed to the agency's core mission.

MSHA is critically important to ensuring that mining jobs are safe and that mining companies aren't unnecessarily endangering their workers' lives and safety. MSHA is responsible for inspecting mines and holding companies accountable when they violate safety and health standards. MSHA's top priorities are to eliminate fatal mining accidents, reduce the frequency and severity of accidents, and minimize health hazards for workers through inspection enforcement.

Unfortunately, we are already seeing MSHA safety standards lapse under the Trump administration. Earlier this year, MSHA was set to implement a rule that would require safety exams of mines prior to the start of a miner's shift. Ensuring mines are safe before miners are put at risk should not be controversial. Yet the Trump administration has delayed implementation of that rule and proposed changes to actually weaken it.

Given this concerning record so far, it is so critical—absolutely critical—that the MSHA Administrator is committed to standing up for our miners. But instead of nominating an advocate for workers' health and safety, President Trump nominated one of the industry's worst offenders.

David Zatezalo is a mining industry executive who has made it clear that he cares more about corporate profits than workers. When he was the CEO of Rhino Resources, one of the mines under Mr. Zatezalo's control received unprecedented safety penalties. A Rhino mine was the first in history to be cited twice for a pattern of violations, an action that is only taken when there is a clear and demonstrated disregard for workers' health and safety.

When the Obama administration issued commonsense rules to improve the pattern of violations process, the Ohio Coal Association, where Mr. Zatezalo sat on the board of directors, sued to block the rule.

Under Mr. Zatezalo's leadership, two separate mines owned by Rhino Resources had injury rates that far exceeded the national average.

As a mining executive, Mr. Zatezalo refused to play by the rules. His company violated the Federal Mine Safety and Health Act by giving advance notice of an MSHA inspection, meaning employees had the opportunity to cover up potential health and safety violations.

Rhino Resources was sued by the EEOC for creating an unlawful, hostile work environment by allowing an employee to be targeted based on his national origin. The EEOC said Zatezalo's company allowed discrimination to "continue unchecked in the workplace" and cited Rhino for retaliating against the employee instead of reprimanding those who were doing the harassing.

It is clear to me that Mr. Zatezalo is wholly unqualified to serve as the Mine Safety and Health Administrator, and I believe that if he is confirmed, he will put thousands of miners' lives and safety at risk.

I am very disappointed that President Trump and congressional Republicans are once again breaking promises to workers. I urge my colleagues to join me in standing up for our miners across the country and vote against Mr. Zatezalo's nomination.

Once again, the contrast with Democrats' vision couldn't be starker. Under the leadership of Senator CASEY, Democrats are advocating for stronger enforcement abilities for MSHA so we can hold operators who show a repeated disregard for miner safety accountable.

I really want my colleagues on the other side of the aisle to join us and pass these commonsense reforms that will help prevent further mining accidents and deaths. We will strengthen our economy if we start prioritizing workers' health, safety, and well-being over corporate profits. I believe that must begin with rejecting President Trump's extreme agenda and these nominees who appear all too willing to implement it without concern for the workers and families they are supposed to serve.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Utah.

#### BLUE SLIP PROCEDURE

Mr. LEE. Mr. President, I wish to speak for a few minutes about the Senate blue slip.

As my colleagues know, when the President nominates someone who will be processed by the Senate Judiciary Committee, home State Senators receive a letter informing them of the nomination and asking whether they approve of the nominee in question. The letter is printed on blue paper—thus the name. That is why we call it the blue slip.

The question on the table is, What should happen if one or both of the home State Senators do not approve the nomination?

In previous years, the chairman of the Senate Judiciary Committee has treated the blue slip as a de facto veto, but that is not how the blue slip originally functioned. Between 1917, when the blue slip was first used, and 1955, the blue slip was never treated as a veto. Instead, it gave the home State Senators a special ability to state their objections about a nominee during a hearing. The committee could then decide how to proceed.

When James Eastland, a Democrat from Mississippi, became chairman of the Senate Judiciary Committee in 1955, he took a different approach. Why did Eastland implement this new policy? No one knows for sure, but one scholar has written that Eastland, an ardent segregationist, might have been trying in part to "keep Mississippi's federal judicial bench free of sympathizers with *Brown v. Board of Education*."

We are evaluating the strength of a custom. It is a custom of relatively recent vintage, and its origin story surely matters in how we evaluate its ongoing relevance to the Senate today.

Eastland kept that policy in place for the whopping 22 years he served as chairman of the Senate Judiciary Committee. When Senator Ted Kennedy took over from Eastland in 1979, he immediately changed the status and functioning of the blue slip procedure. As the Congressional Research Service reports, Kennedy determined that the blue slip "did not have the same power to automatically stop committee action as before." Rather, Kennedy affirmed his right to move forward with a nomination regardless of the blue slip.

To make a long story short, since 1955, there have been eight chairmen of the Senate Judiciary Committee, including Eastland. By my count, two have treated the blue slip as a veto; the other six have either said the blue slip was not a veto or have at least not treated the blue slip as a veto.

What to make of this history? For one thing, we often hear that the blue slip is a 100-year-old tradition. In my view, it should be equally powerful to note that the blue slip originated 128 years after the first Congress. That is



part of the Senate's history, too, and that, too, shouldn't be ignored.

But there is an even more fundamental point, and that is that even in modern times, there isn't exactly an unbroken and lengthy practice of treating the blue slip procedure as if it were a veto. The practice is even sparser when you consider that the blue slip takes on a different function depending on whether the President's party is in control of a majority of the seats in the Senate. When the President's party does not control the Senate, the blue slip is an efficient way to negotiate with the opposition party, which, after all, can vote down the President's nominees.

When you look at the relevant circumstances, here is what you find: The blue slip has been treated as a veto for a grand total of 28 years when the President's party controlled the Senate. Fourteen of those years occurred under Senator Eastland, who was waging a personal vendetta against civil rights, including with respect to judicial nominees processed by the Judiciary Committee.

So if the Senate blue slip procedure is not a veto, what function should it play? As I have said, the blue slip is the chairman's prerogative. But if I were advising the chairman, here is what I would say: The blue slip should not be a veto of a nomination so long as the executive branch has sufficiently consulted with the home State Senators in advance of making this nomination. That rule is consistent with the appointments clause of the Constitution, which establishes joint shared responsibility for appointments to Federal office.

It is important to note that, contrary to what some of my colleagues have suggested, the appointments clause does not grant individual Senators the right to pick nominees, whether processed by the Judiciary Committee or otherwise.

That rule is also consistent with the best reading of Senate custom. It is roughly consistent with the practice that unfolded between 1917, when the blue slip was first adopted, and 1955, when Senator Eastland brought about some changes. It has at least as much support in modern practice.

What counts, then, as sufficient consultation? It is hard to come up with a precise rule, with a single mathematical definition, but in my view, the White House has an obligation to let the home State Senators know whom the White House might be considering for a vacancy. The home State Senators have the right to review the candidate's record and share any concerns they have about the candidate. Qualifications count. Character counts. Home State ties and ties to the community count. I don't think home State Senators have the right to demand someone who shares their particular approach to the law necessarily, but they do have the right to insist that the candidate believe in the

law as something independent from politics, particularly where the candidate is being nominated to a life-tenured position in an article III court.

There is a final point to make. As we move forward, my colleagues across the aisle will charge us with hypocrisy just as predictably as our prediction that the Sun will come up in the east tomorrow. There are two things to say about this.

First, my approach to the blue slip has remained consistent since I took office. I have followed the approach that I have just described.

Second, until 2013, the blue slip was a lot less important because the minority party could filibuster. That is no longer an option because the Democrats changed the rules in 2013. When you change the rules—the actual written protections upon which we rely—when those are changed, then you are left reliant on customs. Customs can always be changed. In this case, the custom we are dealing with isn't even a particularly strong one. It is not even a particularly long-lasting one.

More broadly, in the Senate we are trying to figure out how to process the President's nominees. We have improved the pace of confirming nominees recently, but we are still significantly behind in modern historical terms from where we should be and from where other Senates have been during the first year of other Presidential administrations. We need to find a solution to improve the pace, including by remaining in session longer so that we can complete this important work.

It is essential that we understand the difference between, on the one hand, the Constitution and, on the other hand, the rules; and, on the one hand, the rules and, on the other hand, the custom. There is a significant difference here. In this case, the custom isn't even all that long, not nearly as long as some have suggested, and it certainly hasn't been consistent. We can do better, and do better we must.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAX REFORM

Mr. DAINES. Mr. President, as we cut taxes, there is one goal that is the most important: We need more good-paying jobs, and we need bigger paychecks for hard-working Montanans.

It was just announced that the Senate's draft tax bill will repeal a tax that fundamentally targets those of low to middle income in my State and across the Nation. In fact, in Montana alone, 75 percent of the people who pay this tax make less than \$50,000 a year. In fact, in Montana, 32.5 percent make

less than \$25,000 a year. This is not just anecdotal. In 2015, if you looked across the Nation, 79 percent of those who paid this tax made less than \$50,000 a year. In fact, a little over 37 percent made less than \$25,000 a year.

The IRS pickpocketed over \$3 billion from approximately 6.5 million Americans in 2015 alone, a majority of whom made less than \$50,000 per year. This is a tax that is targeted at those who are in poverty.

What is this tax, you might ask? Where in the world did it come from? I will tell you where it came from. It came from ObamaCare. It is the ObamaCare poverty tax.

Otherwise known as the individual mandate, which forces people to purchase health insurance or pay a fine, the poverty tax systematically taxes those who make less than \$50,000 a year. If it were not enough that ObamaCare plans were already too expensive for some of these folks, the IRS adds insult to injury by fining them, taxing them, for not being able to afford it. Some say that ObamaCare steals from the rich to give to the poor, but, honestly, ObamaCare's individual mandate is really Robin Hood in reverse. ObamaCare's poverty tax is like Robin Hood stealing from the poor to pay King John.

It is unthinkable that we would leave such a provision in the law when we have the opportunity to repeal it. By repealing it, we would save \$338 billion over 10 years. That is over \$300 billion that we could put toward additional tax relief for small businesses and families.

Alternatively, if we do nothing, the CBO projects that we will increase taxes by \$43 billion because of this poverty tax and that those taxes will be paid primarily by America's low- and middle-income families—\$43 billion in taxes on those who can afford it the least.

ObamaCare's poverty tax must go, and there is no better time to get rid of it than right now. I urge my colleagues on both sides of the aisle to join me in fighting on behalf of the low and middle classes of our Nation.

Benjamin Franklin is credited with this phrase: Just two things in life are certain—death and taxes.

That may be so, but we do not need to make them both quite so painful. That is why I am glad to see that a repeal of the ObamaCare poverty tax has been included in the current Senate draft tax legislation. I urge my colleagues in the House of Representatives to do the same.

Thank you.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11:50 a.m. on Wednesday, November 15, the Senate proceed to the consideration of the following nomination: Executive Calendar No. 463; further, that there be up to 10

minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, 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 and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I further ask unanimous consent that following the disposition of the Esper nomination, all postcloture time on Executive Calendar No. 383 be considered expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. For the information of all Senators, there will be three rollcall votes at 12 noon tomorrow.

## 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.

### TRIBUTE TO ELIZABETH "LIZ" TISDAHL

Mr. DURBIN. Mr. President, today I want to take a few moments to acknowledge former mayor of Evanston, IL—and my friend—Liz Tisdahl.

Liz began her service to Evanston in 1989 on the Evanston Township School Board. After 2 years as president of the board, Liz was appointed to the Evanston City Council in 2003 by Mayor Lorraine Morton. Mayor Morton had met Liz years earlier when she was picking up her youngest granddaughter from softball practice. She didn't recognize the new coach and asked about her. It was Liz Tisdahl. Liz didn't have a child on the team, but she wanted to lend a helping hand in the community.

When Lorraine Morton became mayor, she always remembered how Liz stepped up just to help other people, so when it came time for Mayor Morton to decide whom she wanted to replace her, the first and only name that came to mind was Liz Tisdahl. When Liz was first approached to run, her answer was "absolutely not," but after giving it more thought, Liz answered the call to run to help out Evanston's residents who were leaving the community due to the increasingly high cost of living. Liz Tisdahl wasn't running for mayor to help herself, but like her time coaching that softball team years earlier, she was doing it for other people.

Early in Liz's tenure as mayor, she quickly learned what it meant to be the "face of Evanston" and the good

she could accomplish. At the time, too many Evanston residents struggled to afford housing, so Liz wrote a Federal grant application and flew to Washington, DC, to lobby for money to expand affordable housing in her community—and it worked. Evanston received an \$18 million grant. I remember calling her with the good news. Liz later said that was "the day that I realized that there really was something to this 'being a mayor' thing."

Liz Tisdahl also has successfully lobbied to secure a designation for a Federal qualified health center in Evanston, resulting in the establishment of the Erie Evanston/Skokie Health Center. Since 2012, the Erie Evanston/Skokie Health Center has treated nearly 12,000 patients and provided immediate care for the residents of Evanston.

In 2009, when Liz Tisdahl first ran for mayor of Evanston, she campaigned under a simple platform: "Diversity, Sustainability, and Economic Development." First, Liz set out to increase employment. She expanded the Mayor's Summer Youth Employment Program, which had 167 jobs in 2009. Since 2012, the program has grown by 100 jobs each year, employing 750 young people in 2016. Liz also created partnerships with Northwestern University, NorthShore University HealthSystem, and other businesses to establish job training and apprenticeship programs for the community's most vulnerable people. In 2009, the unemployment rate of Evanston was 8 percent. When Mayor Tisdahl left office earlier this year, unemployment was down to 4.1 percent.

Liz Tisdahl also worked to make Evanston greener and—as promised—brought changes to the city's sustainability efforts. According to a 2015 emissions report, Evanston reduced its greenhouse gas emissions by more than 18 percent between 2005 and 2015. In 2014, Evanston became one of America's first two cities to receive a four-star rating from the Sustainability Tools for Assessing and Rating Communities Initiative. For her environmental work and focus on sustainability issues, Liz received the Climate Protection Award from the U.S. Conference of Mayors.

Earlier this year, after two terms in office, Liz Tisdahl decided not to run for a third. When asked why, her answer was simple. Although she loved being mayor, she had accomplished her goals. Liz Tisdahl went out on top.

Despite her many achievements, Liz's proudest accomplishment is her family. Now that she is retired, I know she is enjoying more time with her children and grandchildren, but this isn't the last we have heard from Liz Tisdahl. She will continue to be a fearless advocate for the people of Evanston. Since retiring, Liz has joined the board at Curt's Cafe, an Evanston coffee shop that trains at-risk youth, prepares them to become job-ready, and helps them to transition into full-time employment. One thing is clear, Liz

Tisdahl is not done helping the community she loves.

I want to congratulate Liz Tisdahl on her distinguished career and thank her for her outstanding service to the people of Evanston. Now as she enters the next chapter in her life, I wish her and her family all the best.

(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. 272, on the nomination of Steven Gill Bradbury, of Virginia, to be general counsel of the Department of Transportation. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 273, on the motion to invoke cloture on David G. Zatezalo to be Assistant Secretary of Labor for Mine Safety and Health. 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. BOOKER. Mr. President, I was necessarily absent for the votes on confirmation of Executive Calendar No. 254 and the motion to invoke cloture on Executive Calendar No. 383.

On vote No. 272, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 254.

On vote No. 273, had I been present, I would have voted nay on the motion to invoke cloture on Executive Calendar No. 383. •

### ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

POLICY JUSTIFICATION

TRANSMITTAL NO. 17-67

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-67, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost \$10.5 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,  
Lieutenant General, USA Director.  
Enclosures.

TRANSMITTAL NO. 17-67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Poland

(ii) Total Estimated Value:

Major Defense Equipment\* \$ 6.8 billion.

Other \$ 3.7 billion.

Total \$10.5 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: This is phase one of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS)—enabled Patriot Configuration-3+ with Modernized Sensors and Components consisting of:

Major Defense Equipment (MDE):

Four (4) AN/MPQ-65 Radar Sets.

Four (4) Engagement Control Stations.

Four (4) Radar Interface Units (RIU) Modification Kits.

Sixteen (16) M903 Launching Stations adapted.

Eighteen (18) Launcher Integrated Network Kits (LINKS) (includes two (2) spares).

Two hundred and eight (208) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) Missiles.

Eleven (11) PAC-3 MSE Test Missiles.

IBCS Software.

Six (6) Current Operations—IBCS Engagement Operations Centers (EOCs).

Six (6) Engagement Operations—IBCS EOCs.

Two (2) Future Operations—IBCS EOCs.

Fifteen (15) Integrated Fire Control Network (IFCN) Relays.

Four (4) Electrical Power Plants (EPP) III.

Five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs).

Non-MDE includes: Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support.

(iv) Military Department: Army.

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc. Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 14, 2017.

\*As defined in Section 47(6) of the Arms Export Control Act.

Poland—Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS)—enabled Patriot Configuration-3+ with Modernized Sensors and Components

The Government of Poland has requested to purchase phase one of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) enabled Patriot Configuration-3+ with Modernized Sensors and Components consisting of four (4) AN/MPQ-65 radar sets, four (4) engagement control stations, four (4) Radar Interface Units (RIU) modification kits, sixteen (16) M903 Launching stations adapted, eighteen (18) Launcher Integrated Network Kits (LINKS) (includes two (2) spares), two hundred and eight (208) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) missiles, eleven (11) PAC-3 MSE test missiles, IBCS software, two (2) future operations—IBCS Engagement Operations Centers (EOCs), six (6) current operations—IBCS EOCs, six (6) engagement operations—IBCS EOCs, fifteen (15) Integrated Fire Control Network (IFCN) relays, four (4) Electrical Power Plants (EPP) III, and five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs). Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support. The total estimated program cost is \$10.5 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally which has been, and continues to be an important force for political stability and economic progress in Europe. This sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

Poland will use the IBCS-enabled Patriot missile system to improve its missile defense capability, defend its territorial integrity, and deter regional threats. The proposed sale will increase the defensive capabilities of the Polish Military to guard against hostile aggression and shield the NATO allies who often train and operate within Poland's borders. Poland will have no difficulty absorbing this system into its armed forces.

The proposed sale of these missiles and equipment will not alter the basic military balance in the region.

The prime contractors will be Raytheon Corporation in Andover, Massachusetts, Lockheed-Martin in Dallas, Texas, and Northrop Grumman in Falls Church, Virginia. The purchaser requested offsets. At this time, offset agreements are undetermined and will be defined in negotiations between the purchaser and contractors.

Implementation of this proposed sale will require approximately 42 U.S. Government and 55 contractor representatives to travel to Poland for an extended period for equipment deprocessing/fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Patriot Air Defense System contains classified CONFIDENTIAL hardware components, SECRET tactical software and CRITICAL/SENSITIVE technology. Patriot ground support equipment and Patriot missile hardware contain CONFIDENTIAL components and the associated launcher hardware is UNCLASSIFIED. Information on system performance capabilities, effectiveness, survivability, missile seeker capabilities, select software/software documentation and test data are classified up to and including SECRET. The items requested represent significant technological advances for Poland. The Patriot Air Defense System continues to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The Patriot Air Defense System's sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain components. The list of components is classified CONFIDENTIAL. For more information contact the PEO Missiles and Space Lower Tier Project Office.

3. The Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) contains classified SECRET tactical software, UNCLASSIFIED hardware components, a few classified SECRET hardware components and CRITICAL/SENSITIVE technology. Information on Integrated Fire Control (IFC) Network performance, Integrated System Requirements and Effectiveness, Common Command and Control Requirements and Performance, Precision of sensor, shelter, launcher, and Plug & Fight module time references, Detailed security device configurations, Cyber Security details, Distributed Track Management Processing, Distributed Control Management Processing, External Interface Data, IBCS Specifications, Critical Elements, Vulnerabilities and Weaknesses, and Test Data, Results, and Equipment are classified up to and including SECRET. The items requested represent significant technological advances for Poland Air and Missile Defense. The IBCS represents a technology lead over any other Air and Missile Defense (AMD) Command and Control (C2) system existing today.

4. The IBCS sensitive/critical technology is primarily in software. And also resides in the design, developments, and manufacturing of certain components. The list of components containing sensitive/critical technology is classified SECRET.

5. The loss of this hardware, software, documentation and/or data could permit development of information which may lead to a significant threat to future U.S. military operations. If an adversary were to obtain this sensitive technology, the missile system effectiveness could be compromised through reverse engineering techniques.

6. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Poland.

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-51, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost \$170 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,  
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 17-51

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Government of Norway.

(ii) Total Estimated Value:

Major Defense Equipment\* \$150 million.  
Other \$20 million.

Total \$170 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Sixty (60) AIM-120 C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM).

Four (4) AMRAAM Guidance Section Spares.

Non-MDE: Missile containers, weapon system support, support equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, technical and support services, and other related elements of logistics and program support.

(iv) Military Department: Air Force (X6-D-YAE).

(v) Prior Related Cases, if any: NO-D-YME.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 14, 2017.

\*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Norway—AIM-120 C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of Norway requested a possible sale of sixty (60) AIM-120 C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and four (4) AMRAAM guidance section spares. Also included are missile containers, weapon system support, support equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, technical and support services, and other related elements of logistics and program support. The estimated total case value is \$170 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a NATO ally which continues to be an important force for political stability and economic progress in Europe.

The proposed sale will improve Norway's capabilities for mutual defense, regional security, force modernization, and U.S. and NATO interoperability. This sale will en-

hance the Royal Norwegian Air Force's ability to defend Norway against future threats and contribute to current and future NATO operations. This is a follow-on buy of additional AIM-120 C-7 missiles. Norway will be able to absorb these additional missiles and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Norway.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17-51

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. AIM-120 C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying, low flying and maneuvering targets. The AMRAAM is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Norway can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Norway.

RECOGNIZING MAINE'S  
CONTINUUM OF CARE

Ms. COLLINS. Mr. President, Maine is home to strong communities and compassionate citizens. Nowhere are those qualities more evident than in our State's commitment to end the scourge of homelessness.

This effort has taken a significant step forward through the establishment of a single continuum of care for the State of Maine. The merger of the Portland Continuum of Care and the Maine Balance of State Continuum of Care will better enable local service providers, the statewide homeless council, and State and Federal agencies to address homelessness throughout Maine while accommodating specific local needs. This consolidation began in 2012 with the merger of the Bangor/Greater Penobscot Continuum

with the Maine Balance of State Continuum of Care. I particularly commend the Maine State Housing Authority for its leadership during this process.

Maine's unified continuum of care will create greater efficiencies in the use of Federal funding under the McKinney-Vento Homeless Assistance Act of 1987, the first major national response to homelessness. As chairman of the Housing Appropriations Subcommittee, I am confident that this unification will enhance the ability of Maine's service providers to help guide Federal policies and programs that assist low-income Americans, families with children, young people, seniors, and our veterans in obtaining safe shelter and affordable housing.

With a 9-percent reduction in homelessness from fiscal year 2016 to 2017, Maine is making great progress in aiding our most vulnerable citizens. The creation of a unified continuum of care will accelerate this progress, and I congratulate all who made it possible.

Mr. KING. Mr. President, I would like to recognize the efforts of the many organizations that have agreed to come together to establish a single continuum of care for the State of Maine. Continuums of Care are supported by the U.S. Department of Housing and Urban Development to promote a communitywide commitment to the goal of ending homelessness. They are a vital partner in the works to quickly rehouse homeless individuals and families to minimize trauma and dislocation; promote access to and effective use of mainstream programs; and optimize self-sufficiency among individuals and families experiencing homelessness. Continuums of Care make important decisions about priorities for Federal funding of programs that provide significant services.

Prior to establishing this single continuum of care for Maine, there were three separate entities that existed: the City of Portland, Greater Penobscot, which was centered on Bangor, and everything else fell under the "Balance of State" Continuum. While receiving funding to operate a continuum of care funding requires a competitive application process, these three groups have consistently worked closely together and coordinated their means. In 2012, the Greater Penobscot Continuum and "Balance of State" merged together to create the Maine Continuum of Care. Then, in 2017, the Portland Continuum consolidated with the Maine Continuum—achieving a single continuum of care—an effort that greatly advanced the level of collaboration among the member agencies and has proven to be an important step in streamlining efforts and assuring available resources are meeting the needs of those who become homeless. The merger of the two continuums has resulted in more accurate collection and management of data about the extent and characteristics of homelessness in Maine.

A single continuum of care has achieved efficiencies in administrating the responsibilities delegated by the Federal Government to meet the challenge of ending homelessness in Maine. As a unit, they identify the homeless service priorities and distribute resources accordingly. The organizations and agencies that participate in continuum of care include: Maine's network of 37 emergency shelters serving the entire State; MaineHousing and the Department of Health and Human Services; homeless youth providers; veterans groups; mental health and substance abuse service providers; supportive housing developers; local governments and public housing authorities; and homeless advocacy organizations. In addition to providing housing and services, the members of the Maine Continuum of Care play a major role in several other statewide initiatives, including participating in the data collection and entry for the annual homeless assessment report AHAR, and new system performance measure reports.

This significant merger was a collaborative endeavor involving Maine's homeless provider organizations, social service providers, and State and Federal agencies. I especially want to thank the leadership and guidance provided by MaineHousing, the State's housing authority, and the chairs of Maine's continuums throughout the merger process. I am honored to recognize all who were involved and to thank them for placing the individuals and families who are struggling to meet this basic human need for a warm, safe, and stable home at the center of our collective efforts to end homelessness in the State of Maine.

#### RECOGNIZING BARR-REEVE ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to recognize Barr-Reeve Elementary School of Montgomery, IN, for being named a 2017 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program recognizes schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has allowed schools in every State to gain recognition for educational accomplishments, particularly in closing the achievement gaps among students.

Barr-Reeve Elementary School's history traces back to 1910 when it was known as Montgomery School and had 20 students. Today Barr-Reeve Elementary teaches students grades second to fifth and has approximately 290 students.

The school supports students academically through small class sizes. When students face academic challenges, teachers help tutor them before and afterschool as well as during recess.

Barr-Reeve Elementary utilizes innovative technology to learn about the geography and culture of the world on a digital level. Students each benefit from having a Chromebook, enhancing their learning and helping to prepare them for the technology based workplaces they will encounter in the future. Many teachers also utilize the nearby Naval Surface Warfare Center located in Crane, IN, for professional development and to take advantage of its lending library that enhances various STEM skills they can teach to students.

Barr-Reeve Elementary School's staff, students, and families work together to teach and foster values that develop strong character. Each month, a different social skill is modeled and taught throughout the school. Students reinforce these positive behaviors through cards handed out by the student council to recognize students' positive character and leadership skills. The student council also instituted a tutoring program during the lunch recess to allow students to help their peers.

Barr-Reeve Elementary School is an example of how dedication, motivation, collaboration, and strong family engagement in education benefits both students and the local community. At Barr-Reeve, parents are not only involved through an active parent teacher organization, but also as coaches, guest speakers, and volunteers in the classroom.

I am proud to recognize Barr-Reeve Elementary School principal Dena Langacher, the entire staff, the student body, and their families. The effort, dedication, and value you put into education has led not only to this prestigious recognition, but will benefit you and the Montgomery community well into the future.

On behalf of the citizens of Indiana, I congratulate Barr-Reeve Elementary School, and I wish the students and staff continued success in the future.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING KREHBIEL'S SALES & SERVICE

• Mr. RISCH. Mr. President, today I wish to take the opportunity to highlight the innovation and the creative spirit that small businesses in my home State of Idaho are known for. The small business that I am honoring today goes above and beyond when it comes to embodying that spirit. As chairman of the Senate Committee on Small Business and Entrepreneurship, it is my pleasure to recognize Krehbiel's Sales & Service as the Senate Small Business of the Month for November 2017. Known for their passion, friendliness, and dedication to providing unparalleled service, Krehbiel's is the definition of what it means to be a family-owned small business in America.

Clint Krehbiel and his son Terry Krehbiel opened the doors to their vehicle dealership in Aberdeen, ID, in 1972 while Terry was still in high school. They have been proudly serving south-east Idaho for the past 45 years. The Krehbiel family specializes in off-road recreational and utility vehicles, along with various brands of lawn care equipment. In addition to these products, they have expanded into several other businesses, ranging from swimming pools to satellite sales and installation.

Terry and his wife, Valerie, bought Clint's share of the business when he retired in 1996 and have made it their life's work to carry out the principles of honest and ethical business that Clint passed down over the years. For the past four-and-a-half decades, the family's commitment to their mission has been unwavering, and their loyalty to their customers is second to none. Perhaps the most incredible display of their dedication can be seen in the expansion of their business to serve customers hundreds of miles away while still maintaining a high level of customer service and a close-knit team of employees. At any time, you can walk in and see Karalee Krehbiel-Bonzon, Terry and Valerie's daughter, providing the exceptional customer service that she has been known for ever since she started working at her family's business in 2007. You will also see Valerie doing the bookkeeping by hand, as she has done every day since 1980. Another long-time employee is mechanic Charlie Wiebe. Charlie was hired in 1987 and is still with the business to this day. He has been an integral part of building and maintaining good relationships with customers and in training other mechanics like the team's newest member, Tyler Jones.

Customer service is not the only thing that Krehbiel's is known for. With over 60 years of combined experience, their factory-trained technicians have built a reputation for high-quality, dependable repairs for all manner of recreational and utility vehicles. The company's reputation in this area brings in customers from miles around who have never bought a vehicle from the Krehbiels but who have built a bond of trust with their well-qualified mechanics.

Aberdeen is considered to be "off the beaten path" by most people. Many say you need to have a reason to go there. Terry and Valerie, along with their employees, have given many people a reason to do just that. A continuous entrepreneurial spirit, quality customer service, and strong relationships with long-time employees are all principles possessed by the Krehbiels. I would like to extend my sincerest congratulations to Terry and Valerie Krehbiel and all of the employees of Krehbiel's Sales & Service for being selected as the November 2017 Small Business of the Month. You make our great State proud, and I look forward to watching your continued growth and success.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Cuccia, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3071. An act to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes.

H.R. 3739. An act to amend the Act of August 25, 1958, commonly known as the "Former Presidents Act of 1958", with respect to the monetary allowance payable to a former President, and for other purposes.

H.R. 3973. An act 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.

## ENROLLED BILL SIGNED

At 5:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1679. An act to ensure that the Federal Emergency Management Agency's current efforts to modernize its grant management system includes applicant accessibility and transparency, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3071. An act to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3739. An act to amend the Act of August 25, 1958, commonly known as the "Former Presidents Act of 1958", with respect to the monetary allowance payable to a former President, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3973. An act 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; to the Committee on Banking, Housing, and Urban Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with

accompanying papers, reports, and documents, and was referred as indicated:

EC-3444. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2017 through September 30, 2017, received in the Office of the President of the Senate on November 14, 2017; ordered to lie on the table.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

\*Rebecca Eliza Gonzales, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Rebecca Eliza Gonzales.

Post: LESOTHO.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. James Mahlangu: Spouse: None.

3. Imagine Gonzales: Minor child—son: None.

4. Parents: Estella Gonzales: None; Jose Rene Gonzales (deceased): None.

5. Rebecca Balli Ybarra—None; Henry Ybarra—None; Juan Gonzalez—None; Guadalupe Gonzalez—None. My grandparents are deceased.

6. Jerome Rene Gonzales: Brother: None; Amanda Lucia Gonzales: Sister-in-Law: None.

\*Lisa A. Johnson, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Lisa A. Johnson.

Post: U.S. Ambassador to the Republic of Namibia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Melville Richard Johnson, none; Stephanie JoAnne Johnson, none.

5. Grandparents: Herbert Richard Johnson—Deceased; Cora Alice Johnson—deceased; Ralph Williams—deceased; Delores Violet Williams—deceased.

6. Brothers and Spouses: Michael Richard Johnson (brother), none; Christina Oliva Johnson (his spouse), none.

7. Sisters and Spouses: N/A.

\*Irwin Steven Goldstein, of New York, to be Under Secretary of State for Public Diplomacy.

\*Sean P. Lawler, of Maryland, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I re-

port favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*Foreign Service nominations beginning with Lisa-Felicia Afi Akorli and ending with Stephanie P. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2017.

\*Foreign Service nominations beginning with John R. Bass II and ending with Sung Y. Kim, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2017.

By Mr. MCCAIN for the Committee on Armed Services.

R. D. James, of Missouri, to be an Assistant Secretary of the Army.

\*Robert H. McMahon, of Georgia, to be an Assistant Secretary of Defense.

\*Bruce D. Jette, of Virginia, to be an Assistant Secretary of the Army.

\*Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

\*Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security.

\*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 Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. ISAKSON, and Mr. MENENDEZ):

S. 2120. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

By Mr. HELLER (for himself, Mr. BENNET, and Mr. GARDNER):

S. 2121. A bill to amend title XVIII of the Social Security Act to require reporting of certain data by providers and suppliers of air ambulance services for purposes of reforming reimbursements for such services under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. MURKOWSKI, Mr. MARKEY, Mr. BLUMENTHAL, Ms. WARREN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. CASEY, Mr. WYDEN, and Mr. FRANKEN):

S. 2122. A bill to amend the Fair Labor Standards Act of 1938 regarding reasonable break time for nursing mothers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LANKFORD:

S. 2123. A bill to amend the Internal Revenue Code of 1986 to allow above-the-line deductions for charitable contributions for individuals not itemizing deductions; to the Committee on Finance.



By Mr. LEAHY (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WYDEN, Mr. FRANKEN, Ms. BALDWIN, and Ms. HARRIS):

S. 2124. A bill to ensure the privacy and security of sensitive personal information, to prevent and mitigate identity theft, to provide notice of security breaches involving sensitive personal information, and to enhance law enforcement assistance and for other protections against security breaches, fraudulent access, and misuse of personal information; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself, Mrs. CAPITO, Ms. HASSAN, Mr. MANCHIN, Mr. COONS, and Mrs. MCCASKILL):

S. 2125. A bill to improve the State response to the opioid abuse crisis; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUNT (for himself, Ms. KLOBUCHAR, Mr. WICKER, Ms. COLLINS, Mr. ENZI, Mrs. CAPITO, Mr. RUBIO, Mr. MORAN, Mr. RISCH, Mr. GRASSLEY, Mr. ROBERTS, Mr. CASSIDY, Mr. DAINES, Mr. GRAHAM, Mrs. ERNST, Mr. BARRASSO, Mr. MCCAIN, Mr. COCHRAN, Mr. LANKFORD, Mr. SCOTT, Mr. PORTMAN, Mr. INHOFE, Mr. PETERS, Mr. MARKEY, Mr. BENNET, Mr. CASEY, Ms. HASSAN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. BOOKER, and Mr. ROUNDS):

S. Res. 331. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 198

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 198, a bill to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

S. 372

At the request of Mr. PORTMAN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 372, a bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

S. 527

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 527, a bill to improve access to emergency medical services, and for other purposes.

S. 807

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 807, a bill to provide anti-retaliation protections for antitrust whistleblowers.

S. 980

At the request of Mrs. CAPITO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 980, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 1278

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1278, a bill to provide for the admission of the State of Washington, D.C. into the Union.

S. 1299

At the request of Mr. PETERS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1299, a bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes.

S. 1378

At the request of Mr. ROUNDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1378, a bill to amend title 10, United States Code, to require an element in pre-separation counseling for members of the Armed Forces on assistance and support services for caregivers of certain veterans through the Department of Veterans Affairs, and for other purposes.

S. 1497

At the request of Mr. DAINES, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1497, a bill to amend title 40, United States Code, to provide a lactation room in public buildings, and for other purposes.

S. 1498

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1498, a bill to establish in the Smithsonian Institution a comprehensive American women's history museum, and for other purposes.

S. 1503

At the request of Ms. WARREN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1503, a bill to require the

Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1591

At the request of Mr. BROWN, his name was added as a cosponsor of S. 1591, a bill to impose sanctions with respect to the Democratic People's Republic of Korea, and for other purposes.

At the request of Mr. VAN HOLLEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1591, *supra*.

S. 1701

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1701, a bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency.

S. 1842

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1842, a bill to provide for wildfire suppression operations, and for other purposes.

S. 1857

At the request of Mrs. CAPITO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1857, a bill to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces.

S. 1871

At the request of Mr. CASSIDY, the name of the Senator from Michigan (Ms. STABENOW) 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. 1939

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1939, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. 2029

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2029, a bill to establish a National and Community Service Administration to carry out the national and volunteer service programs, to expand participation in such programs, and for other purposes.

S. 2041

At the request of Mr. BENNET, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2041, a bill to promote the use of resilient energy systems to rebuild infrastructure following disasters.

S. 2094

At the request of Mr. FLAKE, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2094, a bill to require the prompt reporting for national instant criminal background check system purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes.

S. 2107

At the request of Mr. HELLER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of 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.

S. RES. 75

At the request of Mr. PORTMAN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. Res. 75, a resolution recognizing the 100th anniversary of the Academy of Nutrition and Dietetics, the largest organization of food and nutrition professionals in the world.

S. RES. 323

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 323, a resolution requiring sexual harassment training for Members, officers, employees, interns, and fellows of the Senate and a periodic survey of the Senate.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. ISAKSON, and Mr. MENENDEZ):

S. 2120. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

Ms. COLLINS. Mr. President, today, I join my colleagues, Senators SHAHEEN, ISAKSON, and MENENDEZ, in introducing the International Violence Against Women Act of 2017. This legislation makes ending violence against women and girls a top diplomatic priority. It permanently authorizes the State Department's Office of Global Women's Issues and the position of the Ambassador-at-Large for Global Women's Issues. It requires the Administration to develop and implement an annual strategy to prevent and respond to violence against women and girls for each of the five years after the date of enactment. This bill would ensure that efforts begun under President George W. Bush and President Obama to combat gender-based violence continue in future Administrations.

Mr. President, we have witnessed great strides in women's equality in our own Country, and in much of the

world, over the past century. Across vast swathes of the globe, however, violence against women and forced marriage remain everyday problems. One out of every three women worldwide will be physically, sexually, or otherwise abused during her lifetime, with rates reaching 70 percent in some countries. This type of violence ranges from domestic violence, rape, and acid burnings to dowry deaths and so-called "honor killings." Violence against women and girls is a human rights violation, a public health epidemic, and a barrier to solving global challenges such as extreme poverty, HIV/AIDS, and conflict. Such violence is often exacerbated in humanitarian emergencies and conflict settings.

In Iraq and Syria, girls and women have been abducted from their homes and villages, sold into sexual slavery, and forced into marriages with fighters of the Islamic State of Iraq and the Levant. In Burma, rape is used as a weapon against the women and girls of the Rohingya ethnic group. In Nigeria, girls as young as 11-years-old are offered a horrendous choice by Boko Haram: carry out suicide bomb attacks against Nigerian villages or live in forced marriages and sexual slavery.

This systemic targeting of women is not confined to conflict zones. In India, the United Nations special rapporteur on violence against women said that they experience such crimes "from womb to tomb." Compounding this tragedy, local police often decline to investigate or seek justice. In Afghanistan, women and girls are concerned that as Western forces draw down and attention shifts away from their country, the fragile gains that have been made there could be lost.

The International Violence Against Women Act—IVAWA—ensures that the U.S. will continue to take a leadership role in combatting these problems. It establishes that it is the policy of the United States to take action to prevent and respond to violence against women and girls around the globe and to systematically integrate and coordinate efforts to address gender-based violence into U.S. foreign policy and foreign assistance programs.

Specifically, IVAWA will foster efforts in four areas. First, it will increase legal and judicial protections by establishing and supporting laws and legal structures that prevent and appropriately respond to all forms of violence against women and girls, including "honor killings" and forced marriage. Emphasis will be placed on promoting political, legal, and institutional reforms that recognize violence against women and girls as a crime and train police and the judiciary to hold violators accountable and to respond to the needs of victims. Second, IVAWA will increase efforts to build health sector capacity, integrating programs to address violence against women and girls into existing health programs focused on child survival, women's health, and HIV/AIDS prevention.

Third, IVAWA will focus on preventing violence by changing community norms and attitudes about the acceptability of violence against women and girls. And fourth, IVAWA will focus on reducing women and girls' vulnerability to violence by improving their economic status and educational opportunities. Efforts will include ensuring that women have access to job training and employment opportunities and increasing their right to own land and property, allowing them to potentially support themselves and their children.

Violence has a profound effect on the lives of women and girls. In addition to being a pressing human rights issue, such violence contributes to inequality and political instability, making it a security issue as well as a moral issue for us all. I am committed to continuing to work with my colleagues to end violence against women and girls and to provide the assistance and resources necessary to achieve this goal.

By Mr. LEAHY (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WYDEN, Mr. FRANKEN, Ms. BALDWIN, and Ms. HARRIS):

S. 2124. A bill to ensure the privacy and security of sensitive personal information, to prevent and mitigate identity theft, to provide notice of security breaches involving sensitive personal information, and to enhance law enforcement assistance and for other protections against security breaches, fraudulent access, and misuse of personal information; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am introducing the Consumer Privacy Protection Act of 2017. This legislation, if enacted, will help ensure that when Americans entrust corporations with their most sensitive personal information, these corporations take the right steps to keep this information secure, and do the right thing in the event of a data breach. In today's modern world, data security is no longer just about protecting our identities and our bank accounts; it is about protecting our privacy and even our National security.

The need for this legislation has long been clear, and never more so than in the wake of the recent, massive Equifax data breach. After media investigations and multiple Congressional hearings, we learned that the Equifax breach exposed the sensitive personal information of almost half the American population. We also learned that Equifax failed to take basic steps to secure its databases, and waited an unjustifiably long period before notifying consumers and regulators. Clearly, it is past time for all corporations that hold our personal information to maintain some common-sense, baseline cybersecurity standards.

Corporations make significant profits from our personal information, and they should be obligated to keep it safe. Yet too often, data breaches continue to plague American businesses

and compromise the privacy of millions of consumers. At the same time, the amount of information we share with corporations who are the target of these breaches is growing. Corporations collect and store our social security numbers, our bank account information, and our email addresses. They collect information about our private health and medical conditions. They know what routes we take to work and where we drop our kids off at school. They can replicate our fingerprints or even faceprints. We trust them with private photographs that we store in the cloud. This information is increasingly targeted by both criminal hackers and nation-states, including hostile foreign powers.

The Consumer Privacy Protection Act I am introducing today is based on legislation I first introduced in 2015, and builds and expands on data security legislation that I have introduced in Congress since 2005. It seeks to protect the vast amount of information that we now share with corporations each and every day. Americans want to know that the corporations who are profiting from their information are actually doing something to prevent the next data breach. Americans want to know when someone has had unauthorized access to their bank accounts and to their private family photographs, but they do not just want to be notified of yet another data breach. Consumers should not have to settle for mere notice of data breaches. American consumers deserve protection. This legislation would accomplish that.

The Consumer Privacy Protection Act requires that corporations meet certain baseline privacy and data security standards to keep information they store about their customers safe, and requires that corporations provide notice and protection to consumers in the event of a breach. This legislation protects broad categories of data, including, (1) social security numbers and other government-issued identification numbers; (2) financial account information, including credit card numbers and bank accounts; (3) online usernames and passwords, including email names and passwords; (4) unique biometric data, including fingerprints; (5) information about a person's physical and mental health; (6) information about geolocation; and (7) access to private digital photographs and videos.

It is true that not every breach can be prevented. Cyber criminals and nation-state actors are determined and constantly looking for new ways to pierce the most sophisticated security systems. But just as we expect a bank to put a lock on the front door and an alarm on the vault to protect its customers' money, we expect corporations to take reasonable measures to protect the personal information they collect from us. Unfortunately, many of the corporations that profit from the very information that we entrust them to protect, have woefully inadequate measures to secure this information.

For others, security is simply not a priority. American consumers deserve better and our national security demands it.

This legislation creates civil penalties for corporations that fail to meet the required privacy and data security standards established in the bill or fail to provide notice and protection to consumers when a breach occurs. The Department of Justice, the Federal Trade Commission, and State attorneys general each have a role in enforcement. This legislation also requires corporations to inform Federal law enforcement of all large data breaches, as well as breaches that could impact the federal government. Such notification is necessary to help law enforcement bring these cyber criminals to justice and identify patterns that help protect against future attacks.

Many Americans understandably assume Federal law already protects this sensitive information—common sense tells us that it should. Unfortunately, the reality is that it does not. States provide a patchwork of protection, and while some laws are strong, others are not. For example, my home state of Vermont has a strong data breach notification law that has been in effect since 2007. But there are many other States that have not passed data security laws designed to prevent data breaches.

This legislation sets a floor: a baseline standard that that protects Americans across the country, while also freeing individual States to provide even stronger protections to their residents. In crafting Federal law, we must be careful not to override strong State laws, but we also need to ensure that all Americans, regardless of where they live, have their privacy protected. To this end, the Consumer Privacy Protection Act preempts State law relating to data security and data breach notification only to the extent that the protections under those laws are weaker than those provided for in this bill. We must ensure that consumers do not lose privacy protections they currently enjoy. Since this bill is modeled after those States with the strongest consumer protections, I believe it will improve protections for consumers in nearly every State.

I am joined today by Senators MARKEY, BLUMENTHAL, WYDEN, FRANKEN, and BALDWIN in introducing this legislation. These Senators have long shared my commitment to protecting consumer privacy. This legislation also has the support of leading consumer privacy advocates, including: the Center for Democracy and Technology, the Consumer Federation of America, New America's Open Technology Institute, and Public Knowledge.

Millions of Americans who have had their personal information compromised or stolen as a result of a data breach consider this issue to be of critical importance and a priority for the Senate. Protecting privacy rights

should be important to all of us, regardless of party or ideology. I hope all Senators will support this common-sense measure to better protect Americans' privacy.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 331—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Mr. BLUNT (for himself, Ms. KLOBUCHAR, Mr. WICKER, Ms. COLLINS, Mr. ENZI, Mrs. CAPITO, Mr. RUBIO, Mr. MORAN, Mr. RISCH, Mr. GRASSLEY, Mr. ROBERTS, Mr. CASSIDY, Mr. DAINES, Mr. GRAHAM, Mrs. ERNST, Mr. BARRASSO, Mr. MCCAIN, Mr. COCHRAN, Mr. LANKFORD, Mr. SCOTT, Mr. PORTMAN, Mr. INHOFE, Mr. PETERS, Mr. MARKEY, Mr. BENNET, Mr. CASEY, Ms. HASSAN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. BOOKER, and Mr. ROUNDS) submitted the following resolution; which was considered and agreed to:

#### S. RES. 331

Whereas there are millions of unparented children in the world, including 427,910 children in the foster care system in the United States, approximately 111,820 of whom are waiting for families to adopt them;

Whereas 62 percent of the children in foster care in the United States are age 10 or younger;

Whereas the average length of time a child spends in foster care is approximately 2 years;

Whereas, for many foster children, the wait for a loving family in which the children are nurtured, comforted, and protected seems endless;

Whereas, in 2015, over 20,000 youth "aged out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas, every day, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, while nearly a quarter of individuals in the United States have considered adoption, a majority of individuals in the United States have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 50 percent of individuals in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 39 percent of individuals in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to

adoptive parents after an adoption is finalized;

Whereas family reunification, kinship care, and domestic and intercountry adoption promote permanency and stability to a far greater degree than long-term institutionalization or long-term, often disrupted, foster care;

Whereas November is National Adoption Month, and National Adoption Day occurs in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 60,000 children have joined permanent families on National Adoption Day; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 18, 2017: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and throughout the year.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1584. Mr. MCCONNELL (for Mrs. FEINSTEIN (for herself, Mr. THUNE, Mr. NELSON, Ms. COLLINS, Mr. DONNELLY, Mr. YOUNG, Mr. DURBIN, and Ms. WARREN)) proposed an amendment to the bill S. 534, to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

SA 1585. Mr. MCCONNELL (for Mr. WYDEN) proposed an amendment to the resolution S. Res. 318, honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017.

## TEXT OF AMENDMENTS

**SA 1584.** Mr. MCCONNELL (for Mrs. FEINSTEIN (for herself, Mr. THUNE, Mr. NELSON, Ms. COLLINS, Mr. DONNELLY, Mr. YOUNG, Mr. DURBIN, and Ms. WARREN)) proposed an amendment to the bill S. 534, to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

### TITLE I—PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE

Sec. 101. Required reporting of child and sexual abuse.

Sec. 102. Civil remedy for personal injuries.

### TITLE II—UNITED STATES CENTER FOR SAFE SPORT AUTHORIZATION

Sec. 201. Expansion of the purposes of the corporation.

Sec. 202. Designation of the United States Center for Safe Sport.

Sec. 203. Additional requirements for granting sanctions for amateur athletic competitions.

Sec. 204. General requirements for youth-serving amateur sports organizations.

## TITLE I—PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE

### SEC. 101. REQUIRED REPORTING OF CHILD AND SEXUAL ABUSE.

(a) **REPORTING REQUIREMENT.**—Section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) is amended—

(1) in subsection (a)—

(A) by striking “A person who” and inserting the following:

“(1) **COVERED PROFESSIONALS.**—A person who”; and

(B) by adding at the end the following:

“(2) **COVERED INDIVIDUALS.**—A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(3) in subsection (c)—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(9) the term ‘covered individual’ means an adult who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization;

“(10) the term ‘event’ includes travel, lodging, practice, competition, and health or medical treatment;

“(11) the terms ‘amateur athlete’, ‘amateur athletic competition’, ‘amateur sports organization’, ‘international amateur athletic competition’, and ‘national governing body’ have the meanings given the terms in section 220501(b) of title 36, United States Code; and

“(12) the term ‘as soon as possible’ means within a 24-hour period.”;

(4) in subsection (d), in the first sentence, by inserting “and for all covered individuals” after “reside”;

(5) in subsection (f), in the first sentence—

(A) by striking “and on all” and inserting “on all”; and

(B) by inserting “and for all covered individuals,” after “lands.”;

(6) in subsection (h), by inserting “and all covered individuals,” after “facilities.”; and

(7) by adding at the end the following:

“(1) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.”.

(b) **PENALTY FOR FAILURE TO REPORT.**—Section 2258 of title 18, United States Code, is amended by inserting “or a covered individual as described in subsection (a)(2) of such section 226 who,” after “facility.”.

### SEC. 102. CIVIL REMEDY FOR PERSONAL INJURIES.

Section 2255 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.”;

(2) in subsection (b), by striking “filed within” and all that follows through the end and inserting the following: “filed—

“(1) not later than 10 years after the date on which the plaintiff reasonably discovers the later of—

“(A) the violation that forms the basis for the claim; or

“(B) the injury that forms the basis for the claim; or

“(2) not later than 10 years after the date on which the victim reaches 18 years of age.”; and

(3) by adding at the end the following:

“(c) **VENUE; SERVICE OF PROCESS.**—

“(1) **VENUE.**—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

“(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

“(A) is an inhabitant; or

“(B) may be found.”.

## TITLE II—UNITED STATES CENTER FOR SAFE SPORT AUTHORIZATION

### SEC. 201. EXPANSION OF THE PURPOSES OF THE CORPORATION.

Section 220503 of title 36, United States Code, is amended—

(1) in paragraph (13), by striking “; and” and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(15) to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete.”.

### SEC. 202. DESIGNATION OF THE UNITED STATES CENTER FOR SAFE SPORT.

(a) **IN GENERAL.**—Chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

#### “Subchapter III—United States Center for Safe Sport

#### “§ 220541. Designation of United States Center for Safe Sport

“(a) **IN GENERAL.**—The United States Center for Safe Sport shall—

“(1) serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;

“(2) exercise jurisdiction over the corporation, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports;

“(3) maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies and paralympic sports organizations;

“(4) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution, pursuant to subsection (c), of alleged sexual abuse in violation of the Center’s policies and procedures; and

“(5) ensure that the mechanisms under paragraph (4) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants.

“(b) **POLICIES AND PROCEDURES.**—The policies and procedures developed under subsection (a)(3) shall apply as though they were incorporated in and made a part of section 220524 of this title.

“(c) **BINDING ARBITRATION.**—

“(1) **IN GENERAL.**—The Center may, in its discretion, utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction to determine the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official, who is the subject of such allegation, to participate in amateur athletic competition.

“(2) **PRESERVATION OF RIGHTS.**—Nothing in this section shall be construed as altering, superseding, or otherwise affecting the right of an individual within the Center’s jurisdiction to pursue civil remedies through the courts for personal injuries arising from abuse in violation of the Center’s policies and procedures, nor shall the Center condition the participation of any such individual in a proceeding described in paragraph (1) upon an agreement not to pursue such civil remedies.

“(d) **LIMITATION ON LIABILITY.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an applicable entity shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543.

“(2) **EXCEPTION.**—Paragraph (1) shall not apply in any action in which an applicable entity acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.

“(3) **DEFINITION OF APPLICABLE ENTITY.**—In this subsection, the term ‘applicable entity’ means—

“(A) the Center;

“(B) a national governing body;

“(C) a paralympic sports organization;

“(D) an amateur sports organization or other person sanctioned by a national governing body under section 220525;

“(E) an amateur sports organization reporting under section 220530;

“(F) any officer, employee, agent, or member of an entity described in subparagraph (A), (B), (C), (D), or (E); and

“(G) any individual participating in a proceeding pursuant to this section.

#### “§ 220542. Additional duties.

“(a) **IN GENERAL.**—The Center shall—

“(1) develop training, oversight practices, policies, and procedures for implementation by a national governing body or paralympic sports organization to prevent the abuse, including emotional, physical, and sexual abuse, of any amateur athlete; and

“(2) include in the policies and procedures developed under section 220541(a)(3)—

“(A) a requirement that all adult members of a national governing body, a paralympic sports organization, or a facility under the jurisdiction of a national governing body or paralympic sports organization, and all adults authorized by such members to interact with an amateur athlete, report immediately any allegation of child abuse of an amateur athlete who is a minor to—

“(i) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse; and

“(ii) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);

“(B) a mechanism, approved by a trained expert on child abuse, that allows a complainant to report easily an incident of child abuse to the Center, a national governing body, law enforcement authorities, or other appropriate authorities;

“(C) reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor’s legal guardian) at a facility under the jurisdiction of a national governing body or paralympic sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

“(D) procedures to prohibit retaliation, by any national governing body or paralympic sports organization, against any individual who makes a report under subparagraph (A) or subparagraph (B);

“(E) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with, and independent of, a national governing body or a paralympic sports organization of each national governing body and paralympic sports organization to ensure that policies and procedures developed under that section are followed correctly and that consistent training is offered and given to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention of child abuse; and

“(F) a mechanism by which a national governing body or paralympic sports organization can—

“(i) share confidentially a report of suspected child abuse of an amateur athlete who is a minor by a member of a national governing body or paralympic sports organization, or an adult authorized by a national governing body, paralympic sports organization, or an amateur sports organization to interact with an amateur athlete who is a minor, with the Center, which in turn, may share with relevant national governing bodies, paralympic sports organizations, and other entities; and

“(ii) withhold providing to an adult who is the subject of an allegation of child abuse authority to interact with an amateur athlete who is a minor until the resolution of such allegation.

“(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the ability of a national governing body or paralympic sports organization to impose an interim measure to prevent an individual who is the subject of an allegation of sexual abuse from interacting with an amateur athlete prior to the Center exercising its jurisdiction over a matter.

#### “§ 220543. Records, audits, and reports

“(a) **RECORDS.**—The Center shall keep correct and complete records of account.

“(b) **REPORT.**—The Center shall submit an annual report to Congress, including—

“(1) an audit conducted and submitted in accordance with section 10101; and

“(2) a description of the activities of the Center.

#### “§ 220544. Authorization of appropriations

“There is authorized to be appropriated to the Center \$1,000,000 for each of fiscal years 2018 through 2021.”

(b) **CONFORMING AMENDMENT.**—Section 220501(b) of title 36, United States Code, is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (3), the following:

“(4) ‘Center’ means the United States Center for Safe Sport designated under section 220541.

“(5) ‘child abuse’ has the meaning given the term in section 212 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20302).”

(c) **TECHNICAL AMENDMENT.**—The table of contents of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

#### “SUBCHAPTER III — UNITED STATES CENTER FOR SAFE SPORT

“220541. Designation of United States Center for Safe Sport.

“220542. Additional duties.

“220543. Records, audits, and reports.

“220544. Authorization of appropriations.”

#### SEC. 203. ADDITIONAL REQUIREMENTS FOR GRANTING SANCTIONS FOR AMATEUR ATHLETIC COMPETITIONS.

Section 220525(b)(4) is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(G) the amateur sports organization or person requesting sanction from a national governing body will implement and abide by the policies and procedures to prevent the abuse, including emotional, physical, and child abuse, of amateur athletes participating in amateur athletic activities applicable to such national governing body.”

#### SEC. 204. GENERAL REQUIREMENTS FOR YOUTH-SERVING AMATEUR SPORTS ORGANIZATIONS.

(a) **IN GENERAL.**—Subchapter II of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

#### “§ 220530. Other amateur sports organizations

“(a) **IN GENERAL.**—An applicable amateur sports organization shall—

“(1) comply with the reporting requirements of section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);

“(2) establish reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor’s legal guardian) at a facility under the jurisdiction of the applicable amateur sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

“(3) offer and provide consistent training to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons; and

“(4) prohibit retaliation, by the applicable amateur sports organization, against any individual who makes a report under paragraph (1).

“(b) **DEFINITION OF APPLICABLE AMATEUR SPORTS ORGANIZATION.**—In this section, the term ‘applicable amateur sports organization’ means an amateur sports organization—

“(1) that is not otherwise subject to the requirements under subchapter III;

“(2) that participates in an interstate or international amateur athletic competition; and

“(3) whose membership includes any adult who is in regular contact with an amateur athlete who is a minor.”

(b) **TECHNICAL AMENDMENT.**—The table of contents of chapter 2205 of title 36, United

States Code, is amended by inserting after the item relating to section 220529 the following:

“220530. Other amateur sports organizations.”.

**SA 1585.** Mr. McCONNELL (for Mr. WYDEN) proposed an amendment to the resolution S. Res. 318, honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017; as follows:

In the fourth whereas clause of the preamble, strike “Head Coach, Mark Parsons, and Chief Executive Officer, Merritt Paulson, of the Portland Thorns FC” and insert “Chief Executive Officer of the Portland Thorns FC, Merritt Paulson.”.

Insert after the fourth whereas clause of the preamble the following:

Whereas the Head Coach of the Portland Thorns FC, Mark Parsons, won the NWSL Championship for the first time;

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. BLUNT. Mr. President, I have 10 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m. to conduct hearing on the following nominations: Anthony Kurta, of Montana, to be a Principal Deputy Under Secretary, and James E. McPherson, of Virginia, to be General Counsel of the Department of the Army, both of the Department of Defense, and Gregory E. Maggs, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 9:30 a.m., in SD-366 to conduct a hearing.

##### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 9 a.m., in SH-216 to conduct hearing on the bill entitled “Tax Cuts and Jobs Act.”

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m., in SD-430 to conduct hearing entitled “Gene Editing Technology: Innovation and Impact”.

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the ses-

sion of the Senate on Tuesday, November 14, 2017, at 10 a.m. to conduct a hearing on S. 1928 and the following nominations: of Eric M. Ueland, of Oregon, to be an Under Secretary (Management), Lisa A. Johnson, of Washington, to be Ambassador to the Republic of Namibia, Sean P. Lawler, of Maryland, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service, Irwin Steven Goldstein, of New York, to be Under Secretary for Public Diplomacy, Rebecca Eliza Gonzales, of Texas, to be Ambassador to the Kingdom of Lesotho, and routine lists in the Foreign Service, all of the Department of State.

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m. to conduct a hearing on the President's Nuclear Authorities.

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 2:30 p.m., in SH-219 to conduct a closed hearing.

##### SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY

The Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 2:30 p.m., in SR-253 to conduct a hearing entitled “Technology in Agriculture: Data-Driven Farming”.

##### SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

The Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 2:30 p.m. to hold a hearing entitled “American Leadership in the Asia-Pacific, Part 4: View from Beijing.”

##### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

The Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m., in SD-406 to conduct hearing on the following legislation: S. 1857, to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces, S. 203, to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, S. 839, to allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such

rule, and S. 1934, to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices.

Mr. CORNYN. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

##### 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 Tuesday, November 14, 2017, to conduct hearing on the nomination of Kirsten M. Nielsen, to be Secretary of U.S. Department of Homeland Security.

#### PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 121, S. 534.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 534) to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Protecting Young Victims from Sexual Abuse Act of 2017”.*

##### SEC. 2. REQUIRED REPORTING OF CHILD AND SEXUAL ABUSE.

(a) **REPORTING REQUIREMENT.**—Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is amended—

(1) in subsection (a)—

(A) by striking “A person who” and inserting the following:

“(1) **COVERED PROFESSIONALS.**—A person who”; and

(B) by adding at the end the following:

“(2) **COVERED INDIVIDUALS.**—A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”;

(3) in subsection (c)—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(9) the term ‘covered individual’ means an adult who is authorized by a national governing body or a member of a national governing body to interact with a minor or amateur athlete at an amateur sports organization facility or at



any event sanctioned by a national governing body or a member of a national governing body;

“(10) the term ‘event’ includes travel, practice, competition, and health or medical treatment;

“(11) the terms ‘amateur athlete’, ‘amateur sports organization’, and ‘national governing body’ have the meanings given the terms in section 220501(b) of title 36, United States Code; and

“(12) the term ‘as soon as possible’ means within a 24-hour period.”;

(4) in subsection (d), in the first sentence, by inserting “and for all covered individuals” after “reside”;

(5) in subsection (f), in the first sentence—

(A) by striking “and on all” and inserting “on all”; and

(B) by inserting “and for all covered individuals,” after “lands,”;

(6) in subsection (h), by inserting “and all covered individuals,” after “facilities,”; and

(7) by adding at the end the following:

“(i) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.”.

(b) **PENALTY FOR FAILURE TO REPORT.**—Section 2258 of title 18, United States Code, is amended—

(1) by inserting “or a covered individual as described in subsection (a)(2) of such section 226 who,” after “facility,”; and

(2) by striking “not more than 1 year” and inserting “not more than 3 years”.

### SEC. 3. CIVIL REMEDY FOR PERSONAL INJURIES.

Section 2255 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.”.

(2) in subsection (b), by striking “filed within” and all that follows through the end and inserting the following: “filed—

“(1) not later than 10 years after the date on which the plaintiff discovers the later of—

“(A) the violation that forms the basis for the claim; or

“(B) the injury that forms the basis for the claim; or

“(2) not later than 10 years after the date on which a legal disability ends.”; and

(3) by adding at the end the following:

“(c) **VENUE; SERVICE OF PROCESS.**—

“(1) **VENUE.**—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

“(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

“(A) is an inhabitant; or

“(B) may be found.”.

### SEC. 4. EXPANSION OF AUTHORITIES AND DUTIES OF NATIONAL GOVERNING BODIES RECOGNIZED BY THE UNITED STATES OLYMPIC COMMITTEE TO PREVENT THE ABUSE OF MINOR AND AMATEUR ATHLETES.

(a) **EXPANSION OF AUTHORITIES.**—Section 220523(a) of title 36, United States Code, is amended—

(1) in paragraph (6), by striking “; and” and inserting a semicolon;

(2) in paragraph (7), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(8) develop training, oversight practices, policies, and procedures to prevent the abuse, including physical abuse and sexual abuse, of any minor or amateur athlete by any adult.”.

(b) **ADDITIONAL DUTIES.**—Section 220524 of title 36, United States Code, is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “For the sport”;

(2) in paragraph (8), by striking “; and” and inserting a semicolon;

(3) in paragraph (9), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(10) develop and enforce policies, mechanisms, and procedures to prevent the abuse, including physical abuse and sexual abuse, of any minor or amateur athlete, including—

“(A) requiring all adults authorized by a national governing body or a member of a national governing body to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, to report facts that give reason to suspect child abuse, including sexual abuse, as required by relevant Federal or State law, to law enforcement authorities and other appropriate authorities, including an entity designated by the corporation to investigate and resolve such allegations;

“(B) establishing a mechanism, approved by a trained expert on child abuse, that allows an individual to easily report an incident of child abuse as described in subparagraph (A) to the national governing body or another authority, including an entity designated by the corporation;

“(C) procedures to ensure that each amateur athlete who is a minor is prevented from being in a one-on-one situation with an adult (who is not the minor’s legal guardian) at an amateur sports organization facility, at any event sanctioned by a national governing body, or any event sanctioned by a member of a national governing body, without being observable or interruptible by another adult; and

“(D) oversight procedures, including regular and random audits, not to exceed once a year, conducted by subject matter experts unaffiliated with the national governing body, of all members and adults described in subparagraph (A) to ensure that policies and procedures developed under this paragraph are followed correctly and that consistent training is offered and given to all members regarding the prevention of child abuse; and

“(11) in the case of a national governing body with jurisdiction over more than one amateur sports organization facility or event, establish a mechanism by which—

“(A) the national governing body can—

“(i) receive a report of suspected sexual misconduct by an adult authorized by a national governing body or a member of a national governing body to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body or a member of a national governing body; and

“(ii) confidentially share a report received under clause (i) with each of the other amateur sports organizations, facilities, or members under the jurisdiction of the national governing body; and

“(B) an amateur sports organization, facility, or member under the jurisdiction of the national governing body can—

“(i) review the reports received by the national governing body under subparagraph (A)(i) to assess any allegations of sexual misconduct made in such reports; and

“(ii) withhold providing to an adult who is the subject of an allegation of sexual misconduct in a report reviewed under clause (i) authority to interact with a minor or amateur

athlete at such organization, facility, or event until the resolution of such allegation.

“(b) **LIMITED LIABILITY FOR THE UNITED STATES OLYMPIC COMMITTEE, NATIONAL GOVERNING BODIES, AND AN ENTITY DESIGNATED BY THE UNITED STATES OLYMPIC COMMITTEE TO INVESTIGATE AND RESOLVE SEXUAL MISCONDUCT ALLEGATIONS.**—

“(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), no civil or criminal action may be brought in any Federal or State court against the United States Olympic Committee, a national governing body, or an amateur sports organization, facility, or event under the jurisdiction of a national governing body, or an entity designated by the United States Olympic Committee to investigate and resolve sexual misconduct allegations described in subsection (a)(11), including any director, officer, employee, or agent of such entity, if the action arises from the execution of the responsibilities or functions described in subsection (a)(11).

“(2) **INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.**—Paragraph (1) shall not apply to a civil or criminal action if the United States Olympic Committee, a national governing body, an amateur sports organization, facility, or event under the jurisdiction of a national governing body, or an entity designated by the United States Olympic Committee to investigate and resolve sexual misconduct allegations described in subsection (a)(11), or a director, officer, employee, or agent of such entity—

“(A) engaged in intentional misconduct; or

“(B) acted or failed to act—

“(i) with actual malice;

“(ii) with reckless disregard for a risk of causing injury; or

“(iii) for a purpose unrelated to the performance of any responsibility or function described in subsection (a)(11).

“(3) **ORDINARY BUSINESS ACTIVITIES.**—Paragraph (1) shall not apply to any act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

“(4) **LIMITED EFFECT.**—Nothing in this section shall apply to any act or omission arising out of any responsibility or function not described in subsection (a)(11).”.

(c) **RULE OF CONSTRUCTION.**—Section 220522 of title 36, United States Code, is amended by adding at the end the following:

“(c) **RULE OF CONSTRUCTION.**—Nothing in subsection (a) shall be construed to limit the ability of a national governing body to develop a policy or procedure to prevent an individual who is the subject of an allegation of sexual misconduct from interacting with a minor or amateur athlete until such time as the national governing body or an entity with applicable jurisdiction resolves such allegation.”.

(d) **REVIEW OF RECOGNITION OF AMATEUR SPORTS ORGANIZATIONS AS NATIONAL GOVERNING BODIES.**—Section 220521(d) of title 36, United States Code, is amended by striking “may” each place it appears and inserting “shall”.

Mr. McCONNELL. I further ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the substitute amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed; and that 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 in the nature of a substitute was withdrawn.

The amendment (No. 1584) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill (S. 534), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

# HONORING THE PORTLAND THORNS FC AS THE CHAMPION OF THE NATIONAL WOMEN'S SOCCER LEAGUE IN 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. Res. 318 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 318) honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to; the amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, 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. 318) was agreed to.

The amendment (No. 1585) was agreed to, as follows:

(Purpose: To amend the preamble)

In the fourth whereas clause of the preamble, strike "Head Coach, Mark Parsons, and Chief Executive Officer, Merritt Paulson, of the Portland Thorns FC" and insert "Chief Executive Officer of the Portland Thorns FC, Merritt Paulson."

Insert after the fourth whereas clause of the preamble the following:

Whereas the Head Coach of the Portland Thorns FC, Mark Parsons, won the NWSL Championship for the first time;

The preamble, as amended, was agreed to.

The resolution with its preamble, as amended, reads as follows:

S. RES. 318

Whereas the Portland Thorns FC won the National Women's Soccer League (referred to in this preamble as the "NWSL") Championship on October 14, 2017;

Whereas the Portland Thorns FC won the NWSL Championship, an event that has been held for 5 years, for the second time by defeating the North Carolina Courage by a score of 1 to 0;

Whereas Portland Thorns FC midfielder Lindsey Horan scored the only goal in the 2017 NWSL Championship and was named the Most Valuable Player of that Championship;

Whereas the Chief Executive Officer of the Portland Thorns FC, Merritt Paulson, won the NWSL Championship for the second time;

Whereas the Head Coach of the Portland Thorns FC, Mark Parsons, won the NWSL Championship for the first time;

Whereas the Rose City Riveters and the fans of the Portland Thorns FC, who provide

the Providence Park venue with spirit and pride, are the best fans in the NWSL;

Whereas the Portland Thorns FC holds the record for highest average game attendance in the NWSL in 2017 and has held that record in each year since the establishment of the NWSL in 2013;

Whereas the goalkeeper of the Portland Thorns FC, Adrianna Franch, was named the NWSL Goalkeeper of the Year for 2017;

Whereas the Portland Thorns FC adopted the official State motto of Oregon, "Alis Volat Propriis", meaning "She Flies with Her Own Wings", to capture the independent spirit of Oregon;

Whereas the Portland Thorns FC holds community service events to inspire and involve young women and men in the Portland community through science, technology, engineering, mathematics, and environmental education; and

Whereas the success of the Portland Thorns FC soccer team will broaden an appreciation of athletics in young people and encourage Oregonians to engage in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the Portland Thorns FC as the 2017 champion of the National Women's Soccer League;

(2) recognizes the outstanding achievement of the players, ownership, and staff of the Portland Thorns FC; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Merritt Paulson, the Chief Executive Officer of the Portland Thorns FC;

(B) Gavin Wilkinson, the General Manager of the Portland Thorns FC; and

(C) Mark Parsons, the Head Coach of the Portland Thorns FC.

## ORDERS FOR WEDNESDAY, NOVEMBER 15, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 15; 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; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Zatezalo nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. 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 6:21 p.m., adjourned until Wednesday, November 15, 2017, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALEX MICHAEL AZAR II, OF INDIANA, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES, VICE THOMAS PRICE, RESIGNED.

## DEPARTMENT OF THE INTERIOR

TIMOTHY R. PETTY, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE ANNE CASTLE, RESIGNED.

## DEPARTMENT OF STATE

ROBERT FRANK PENCE, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

## OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

JASON KLITENIC, OF MARYLAND, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE ROBERT S. LITT.

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

## To be major general

BRIG. GEN. CHARLES L. PLUMMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

## To be major general

BRIG. GEN. ARTHUR E. JACKMAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

## To be major general

BRIG. GEN. JOSEF F. SCHMID III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 824:

## To be brigadier general

COL. SHARON A. SHAFFER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 824:

## To be brigadier general

COL. PAUL A. FRIEDRICH

COL. LEE H. HARVIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

## To be brigadier general

COL. JOHN M. BREAZEALE

COL. DAMON S. FELTMAN

COL. ANNE B. GUNTER

COL. SCHEID P. HODGES

COL. RICHARD L. KIMBLE

COL. TANYA R. KUBINEC

COL. ERICH C. NOVAK

COL. JEFFREY T. PENNINGTON

COL. JOHN N. TREE

COL. AARON G. VANGELISTI

COL. WILLIAM W. WHITTENBERGER, JR.

COL. CHRISTOPHER F. YANCY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8061:

## To be brigadier general

COL. SHARON R. BANNISTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

## To be brigadier general

COL. ROBERT J. MARKS

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

## To be brigadier general

COL. DARLOW G. BOTHA, JR.

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

## To be brigadier general

COL. STEVEN J. DEMILLIANO

COL. CHRISTOPHER E. FINERTY

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

## To be brigadier general

COL. MICHELE K. LAMONTAGNE

COL. MICHAEL J. REGAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 824:

## To be brigadier general

COL. RONALD G. ALLEN, JR.

COL. MARK R. AUGUST  
COL. CHARLES E. BROWN, JR.  
COL. JOEL L. CAREY  
COL. BRENDA P. CARTIER  
COL. DARREN R. COLLE  
COL. HEATH A. COLLINS  
COL. DOUGLAS S. COPPINGER  
COL. MATTHEW W. DAVIDSON  
COL. TODD A. DOZIER  
COL. PETER M. FESLER  
COL. ERIC H. FROEHLICH  
COL. MICHAEL A. GREINER  
COL. ANDREW P. HANSEN  
COL. MICHELLE L. HAYWORTH  
COL. THOMAS K. HENSLEY  
COL. JEFFREY H. HURLBERT  
COL. STEPHEN F. JOST  
COL. JEFFREY R. KING  
COL. LEONARD J. KOSINSKI  
COL. THOMAS E. KUNKEL  
COL. LAURA L. LENDERMAN  
COL. RODNEY D. LEWIS  
COL. ROBERT K. LYMAN  
COL. DAVID B. LYONS  
COL. MICHAEL E. MARTIN  
COL. JOSEPH D. MCFALL  
COL. DAVID N. MILLER, JR.  
COL. CHRISTOPHER J. NIEMI  
COL. CLARK J. QUINN  
COL. GEORGE M. REYNOLDS  
COL. DOUGLAS A. SCHIESS  
COL. DAVID W. SNODDY  
COL. ADRIAN L. SPAIN  
COL. ERNEST J. TEICHERT III  
COL. ALICE W. TREVINO

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. TRAVIS K. ACHESON  
COL. BARRY A. BLANCHARD  
COL. MICHAEL A. BORKOWSKI  
COL. MICHAEL T. BUTLER  
COL. MICHAEL A. COOPER  
COL. MONIQUE J. DESPAIN  
COL. MATTHEW D. DINMORE  
COL. TERESA S. EDWARDS  
COL. EMMANUEL I. HALDOPOULOS  
COL. CHARLES G. JEFFRIES  
COL. GREGORY W. LAIR  
COL. JEFFREY W. MAGRAM  
COL. JAMES C. MCEACHEN  
COL. MAURICE M. MCKINNEY  
COL. SUELLEN OVERTON  
COL. GREGG A. PEREZ  
COL. MARK D. PIPER  
COL. JAMES P. ROWLETT  
COL. MICHAEL D. SPROUL  
COL. CHRISTAN L. STEWART  
COL. DAVID W. WALTER  
COL. TERRY L. WILLIAMS  
COL. SHANNA M. WOYAK  
COL. FRANK Y. YANG  
COL. JEFFREY D. YOUNG

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be major general*

BRIG. GEN. ONDRA L. BERRY  
BRIG. GEN. SAMUEL W. BLACK  
BRIG. GEN. WILLIAM D. BUNCH  
BRIG. GEN. JOSEPH S. CHISOLM  
BRIG. GEN. THOMAS B. CUCCHI  
BRIG. GEN. GARY L. EBBEN  
BRIG. GEN. JERRY L. FENWICK  
BRIG. GEN. DAWN M. FERREL  
BRIG. GEN. THOMAS J. KENNETT  
BRIG. GEN. ERIC W. MANN  
BRIG. GEN. EDWARD A. SAULEY III  
BRIG. GEN. DEAN A. TREMP'S

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be major general*

BRIG. GEN. GEORGE M. DEGNON  
BRIG. GEN. TAMHRA L. HUTCHINS-FRYE  
BRIG. GEN. SHERRIE L. MCCANDLESS  
BRIG. GEN. STEVEN NORDHAUS  
BRIG. GEN. KIRK S. PIERCE  
BRIG. GEN. FRANK H. STOKES  
BRIG. GEN. BRADLEY A. SWANSON  
BRIG. GEN. THOMAS K. WARK

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be major general*

BRIG. GEN. DOUGLAS A. FARNHAM  
BRIG. GEN. CLAY L. GARRISON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

SARAH E. ABEL  
MARK J. AGUIAR

LAKISHA N. ALBERTIE  
HOLLI A. BELLUSCI  
GRETA S. BREWSTER  
THOMAS G. BROCKMANN  
STACY N. CARR  
CLAUDIA G. CLARK  
SAMANTHA L. FIL  
JASON W. GRIMM  
CLINTON J. HARTMAN  
ELIZABETH ANNE L. HOETTEL  
AMY EVANGELINE JOHNSON  
BRENDA A. JONES  
KARL E. KAMMER  
ADRIANNE M. KETELSEN  
GARY V. LEAVITT  
PAMELA E. LICORISH  
KAREN C. LUGG  
ANGELA D. MANNING  
CINDY A. MCCULLOUGH  
JOHN C. MCLENNAN  
DEANNA M. MORRELL  
VIVIAN A. NEWPORT  
BRITTANY S. NUTT  
PAUL L. PFENNIG  
ROBERT L. RAULSTON  
STEPHANIE E. RICKS  
CHRISTOPHER K. SHAMBLIN  
DEBRA L. SIMS  
MARSHA R. STARKS  
DARLENE J. STILLING  
WENDY H. WILKINS  
SEAN O. WILKINSON  
MICHELLE E. WYCHE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JOSEPH BENJAMIN AHLERS  
DOUGLAS MICHAEL ARNETT  
JENNA MARIE ARROYO  
MARIE BARBER  
VERONICA E. BATH  
KRISTEN K. BECK  
ANNA CHRISTI BEIERPEDRAZZI  
LEO T. BRADFORD  
ROBERT JOSEPH BRADY, JR.  
ROSS ALAN BRENNAN  
RODRIGO MANUEL CARUCO  
PATRICK ANDREW CLARY  
THOMAS CHARLES COLBY  
JASON CORDOVA  
LEVICY FAYENEIS CRAWFORD  
RYAN CHARLES DITCHKOFKY  
CRAIG WILLIAM DUNHAM  
PATRICK ENCARNACION MIRANDA  
MEGHAN RENAE GLINESBARNEY  
CHARLES JOHN GROTEWOHL  
CHASE TOLMAN GUNNELL  
JOHNATHAN DAVID HAMILTON  
KASEY WILSON HAWKINS  
NICOLE J. HERBERS  
JOY ELIZABETH HEWITT  
MAITE S. HIATT  
ROBERT C. HINES  
SHARI MARLENA HOWARD  
SHEA LANDRY HOXIE  
MATTHEW RYAN HRACHO  
SEAN C. HUDSON  
ABBIGAYLE CATHRYN HUNTER  
BENJAMIN DAVID INGRAM  
DIANE ELIZABETH INGRAM  
JESSICA MCKEE JACQUAY  
WILLIAM H. JONES  
SCOTT L. KIRK  
EDWIN CHARLES KISIEL III  
NATHANIEL C. LANGLEY  
MATTHEW J. MACKEY  
JOHN M. MALEK  
ALEXANDRA L. MCCRARY DENNIS  
JACQUELINE MCDERMOTT WINTCH  
JACQUELINE E. MCGEHEE  
RYAN M. MCILROY  
DAVID B. MELEAR  
SARABETH A. MOORE  
THOMAS JOSEPH OLSEN  
LAURA E. PEET  
NICHOLAS KANE PEONE  
STACIE K. PERSONS  
JOPHIEL PHILIPS  
AMANDA L. POWERS  
KATHERINE IRENE RANKIN  
NICHOLAS A. REYES  
JUSTIN THOMAS ROSSI  
MARISOL NOHEMI SALVIEJO  
JONATHAN K. SAWMILLER  
VINCENT SAYEGH  
TYLER J. SENA  
CHRISTOPHER D. STANTON  
ANN MARIE SUTTER  
JONATHAN D. TERRY  
STEVEN PAUL VALLARELLI, JR.  
NICOLE ALLISON VELE  
LAIYA YASMEEN WEBB  
WOLFGANG S. WEBER  
ERIC WILLIAM WELCH  
TRENTON M. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

PAUL OBI AMALIRI  
JON A. BRAVINDER  
LANE FRANKLIN CAMPBELL

MICHAEL A. CAROLLO  
MYUNG K. CHO  
DAVID J. DZIOLEK  
RONALD L. FEESER, JR.  
SCOTT A. FOUST  
JAMES W. GALYON  
GLEN E. HARRIS, JR.  
MICHAEL L. HAYHURST  
DOUGLAS O. HESS  
DEBORAH D. HUGLEY  
MARK DAVID HUNSINGER  
HENRY L. JENKINS, JR.  
MICHAEL J. JOHNSON  
TODD A. LEATHERMON  
NICHOLAS E. LOPRESTO  
JEFFREY K. MCMILLEN  
CRAIG H. NAKAGAWA  
HOANG H. NGUYEN  
SON V. NGUYEN  
MATTHEW JAMES STREETT  
ANTHONY L. WIGGINS  
MEOSHIA A. WILSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

ERIKA R. WOODSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

*To be major*

MICHAEL S. STROUD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

LANCE A. AIUMOPAS  
ANTHONY W. BELL  
ALLAN S. BROCK  
MATTHEW D. BURRIS  
LORI M. GILL  
CRYSTAL D. HAYNES  
MARK D. HOOVER  
KEVIN C. INGRAM  
SHERI K. JONES  
MARK B. MCKIERNAN  
CHRISTOPHER S. MORGAN  
JOHN E. OWEN  
JASON SCOTT ROBERTSON  
SHAUN S. SPERANZA  
LYNN R. SYLMAR  
STACEY J. VETTER  
TARA L. VILLENA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ROBERT SARLAY, JR.

*IN THE ARMY*

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

BRANTLEY J. COMBS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S. C., SECTIONS 531 AND 3064:

*To be major*

MARK E. QUERY  
SAMUEL H. TAHK

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S. C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

VICTOR A. PACHECOFWLER

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S. C., SECTIONS 531 AND 3064:

*To be colonel*

JAMES M. BRUMIT

*IN THE NAVY*

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

PAUL F. MAGOULICK  
LI SUNG

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

WILLIAM L. ARNEST  
MATTHEW E. T. BECK  
TYLER B. BRISTOL

NATHANIEL C. CALCAMUGGIO  
 ELIZABETH A. CAVAZZA  
 ROBERT A. CHAPIN  
 STEVEN M. CONNELL  
 DWIGHT J. CORNISH  
 JEFFREY R. DENZEL  
 MATTHEW E. DIVITTORE  
 RICARDO H. ESTRADA  
 WILLIAM W. FENNIMAN II  
 MATTHEW D. FREEZE  
 PATRICK B. GIBBONS  
 WILLIAM J. GOLDEN  
 JONATHAN D. GREENBERG  
 BRENDAN D. HAMM  
 RANDALL E. HANGARTNER  
 CORWIN J. HARDY  
 DANIEL M. HARMAN  
 BRANDON K. HERRICK  
 MICHAEL R. HOGAN  
 JUSTIN L. JAYNES  
 AARON JEFFERSON III  
 GARY D. KISSELBACK  
 MATTHEW B. KNEPPER  
 JEFFREY P. LESHNER  
 ROLANDO J. MACHADO, JR.  
 ROBERT E. MILCHESKY  
 GUY A. MOLINA  
 MICHAEL A. MULLEE  
 SARA A. NASH  
 JIMMY A. NGUYEN

CHRISTOPHER M. NORTON  
 MATUWO I. OLUFOKUNBI  
 BRADLEY T. OTREMBA  
 DAVID S. PAGAN  
 JONATHAN PARK  
 AMERICO C. PEREZ, JR.  
 VANESSA E. PERRY  
 THOMAS J. PLACEK, JR.  
 VICTOR C. SCHAEFER  
 ANDREW R. THOMPSON  
 JEREMY C. TOPP  
 JOHN F. UNDERHILL  
 ANDREW R. WEINER  
 ERIC E. WHICKER  
 JESSICA L. WILCOX  
 JOSHUA N. WILLIAMS  
 KAREN J. WOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
 IN THE GRADE INDICATED IN THE REGULAR NAVY  
 UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

HENRY J. KENNEDY

DEPARTMENT OF HOMELAND SECURITY

THOMAS D. HOMAN, OF VIRGINIA, TO BE AN ASSISTANT  
 SECRETARY OF HOMELAND SECURITY, VICE SARAH R.  
 SALDANA.

CONFIRMATION

Executive nomination confirmed by  
 the Senate November 14, 2017:

DEPARTMENT OF TRANSPORTATION

STEVEN GILL BRADBURY, OF VIRGINIA, TO BE GEN-  
 ERAL COUNSEL OF THE DEPARTMENT OF TRANSPOR-  
 TATION.

WITHDRAWAL

Executive Message transmitted by  
 the President to the Senate on Novem-  
 ber 14, 2017 withdrawing from further  
 Senate consideration the following  
 nomination:

TIMOTHY KELLY, OF MICHIGAN, TO BE ASSISTANT SEC-  
 RETARY FOR CAREER, TECHNICAL, AND ADULT EDU-  
 CATION, DEPARTMENT OF EDUCATION, VICE BRENDA  
 DANN-MESSIER, WHICH WAS SENT TO THE SENATE ON  
 OCTOBER 3, 2017.

## EXTENSIONS OF REMARKS

### HONORING ALICE'S KIDS

#### HON. DONALD S. BEYER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. BEYER. Mr. Speaker, I rise today to discuss a wonderful organization within my district. There are roughly 20,000 children in Fairfax County living at the poverty level. These children suffer both privately and publicly. Privately, they may not have enough food, no heat or no electricity. All hardships indeed. But when that same child leaves the home, they suffer public indignities that can seriously affect their self-esteem. When they go to school wearing the same dress for five straight days or shoes with holes in them, they can be targets of ridicule. When they cannot afford their senior dues, a sport's physical or a gym uniform, they are embarrassed. When they have to sit home while their friends are enjoying the prom, they experience pain. These situations are especially acute when poor children are integrated with wealthier children, as is often the case in Fairfax County.

Seven years ago this month, my constituent and friend, Ron Fitzsimmons, formed "Alice's Kids," a charity designed to give needy children the opportunity to feel a little bit more "normal" amongst their peers. They have built a network of approximately 500 teachers, school counselors and county social workers who contact Alice's Kids when they identify a child with a "minor" but nonetheless important need. It might be a pair of soccer cleats, glasses or summer camp fees. The child might not be able to afford their senior yearbook, wishes to take music lessons or needs a simple haircut. Within 24 hours, Alice's Kids either writes a check or issues a gift card to the referrer so the child can obtain the item. And the charity purposely does not interact with the family as they prefer to be anonymous to help the child maintain their dignity.

I am pleased to see that this once small charity is now expanding. In addition to children in Fairfax County, they are now serving children in the City of Alexandria and in select schools in Washington, D.C. Even more exciting is that Mr. Fitzsimmons is carrying out his ultimate goal, which is to serve children all across the country as they are now helping children in San Antonio, Seattle, Miami, Charlotte, Nashville and several other cities working in conjunction with the national organization "Communities in Schools."

In 2016, Alice's Kids provided assistance to 683 children. But I am thrilled to note that in 2017, they have already served 767 children! This is the little charity that could. I want to congratulate Alice's Kids as they continue to provide much-needed assistance to children in the D.C. Metropolitan area and wish them luck in their efforts to reach as many children as possible.

### RECOGNIZING THE EMPLOYEES OF THE INTERNATIONAL TRADE COMMISSION

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate all of the award winners from the U.S. International Trade Commission who were recognized last week, on Tuesday, November 7, 2017, at their annual Career Service Awards Ceremony.

The employees at the U.S. International Trade Commission are on the front line of enforcing our U.S. trade laws and addressing a wide variety of trade-related issues. U.S. trade laws protect American workers from unfair trade practices and support communities that manufacture and produce the products that power our national economy and that are essential to supporting our national security. The dedicated employees at the U.S. International Trade Commission investigate allegations of unfair trade practices against countries from around the world, and their work is essential to defending good jobs throughout our country, including steel and manufacturing jobs in the First Congressional District of Indiana.

Last week, I was pleased to be able to attend their 2017 Career Service Awards Ceremony, which recognized the outstanding accomplishments of the International Trade Commission staff from the past year. For example, the ceremony presented Quality Step Increase Awards to individuals that received a permanent increase in their rate of pay in recognition of high quality performance above that ordinarily found. The ceremony also presented Superior Accomplishment Awards based on an act, service, or suggestion that contributes to the efficiency or other improvement of government operations. I would note that under this category, an award was presented to the Carbon and Alloy Steel Cut-to-Length Plate team for providing high quality work products, meeting aggressive statutory deadlines, and adroitly overcoming numerous analytical challenges with a high-profile case that involved the greatest number of countries for a single case in more than a decade.

Additionally, the ceremony presented employees with Length of Service awards, including 40 Years of Service awards for Judith M. Bryant, Deborah A. Daniels, Jean H. Jackson, Myra D. Lay, and Deborah A. McNay, 45 Years of Service awards for William W. Gearhart, Jr., and Linda D. Powell, and a 50 Years of Service award for Tyrone F. Coward.

I also would like to call attention to the Distinguished Service Award winners, Karen Attardo, Attorney-Adviser in the Office of Administrative Services, and Vu Q. Bui, Investigative Attorney in the Office of Unfair Import Investigations. This award is the second-highest honor that can be conferred upon an employee and recipients are chosen by senior management in recognition of notable con-

tributions. Further, I would like to recognize Jennifer Rohrbach, Program Manager in the Office of Operations, as the recipient of the Commissioners' Award for Exceptional Service. This is the highest honor that can be conferred upon an employee and recipients are chosen directly by the Commissioners in recognition of distinguished and exceptional service.

Mr. Speaker, I believe that our former colleague and my friend from Indiana Lee Hamilton said it best when he stated that public service "is not just a way of life, it is a way to live fully." I am incredibly grateful for the invaluable, diligent, and thorough work of all of the employees at the U.S. International Trade Commission. I thank all of them for choosing to have a career in the service of our country and again congratulate all of the award winners for their exemplary performance.

### RECOGNIZING J. MICHAEL ANDERSON

#### HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. KATKO. Mr. Speaker, I rise today to recognize J. Michael Anderson, the 2017 recipient of the Zunic Award as presented by the Syracuse Football Club.

The Syracuse Football Club is a group of former Syracuse Orange football players focused on making a difference in the Central New York community. The Zunic Award was created to honor Mike and Judy Zunic, who died tragically in a United Airlines plane crash in Sioux City, Iowa on July 18, 1989. The pilot, anticipating landing difficulties, requested volunteers to give up their seats and sit at the exit doors to assist passengers in the event of an emergency. Mike and Judy gave up their seats in first class to sit at one of the doors. They both died in the crash and those in the Zunic's original seats survived. The Zunic Award honors those, like Mike and Judy, who have acted selflessly for the good of others.

This year's Zunic Award recipient, J. Michael Anderson, is a former Orange offensive lineman, and has tragically lost two of his three sons—Jimmy and Eric. Despite this extraordinary loss, Mike has channeled his own tragedy into advocacy and volunteerism. He and his wife, Flo, have focused on making a difference in the Central New York community and assisting others who have experienced similar tragedy.

Anderson served as a youth basketball coach for more than two decades at Immaculate Heart of Mary in Liverpool, and coached baseball in the Salt City Little League for 10 years. In addition, the Andersons are frequent holiday volunteers at the Syracuse Rescue Mission, serving meals to those less fortunate, and are active participants in the Liverpool Central School District "Dollars for Scholars" program where they have established a scholarship in their son Jimmy's name. Anderson

• 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.

spends part of each day visiting online grief sites offering assistance to those who are struggling with tragedy.

For his tremendous efforts to make a difference in ending this scourge and to make our community a better place, I am proud to join the Syracuse Football Club in honoring J. Michael Anderson.

#### HONORING DEBBIE WILLIAMS

### HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. COMER. Mr. Speaker, I rise to pay tribute to Debbie Williams of Monroe County, Kentucky for her philanthropy in the revitalization of downtown Tompkinsville and her entrepreneurial achievement in attracting new private investment into the Tompkinsville/Monroe County area.

Debbie Williams' first experience in business in Tompkinsville was with Page Brothers—her parents' clothing store located on Main Street which operated next door to my father's dental office until 1979.

Like most of rural America, the 1980's and 1990's saw a massive exodus from downtown retail and office storefronts. Most rural Kentucky downtown areas were filled with vacant, aging buildings badly in need of repair.

Around 2010, Debbie Williams took her entrepreneurial success as co-owner of Bluegrass Dairy and made it her passion to purchase many of the depressed, vacant downtown Tompkinsville storefronts and renovate them. She purchased the building where Page Brothers was located and opened Family Circle Clothing Store. Mrs. Williams also opened and operates Brass Bell in downtown—a home furnishing store.

In two other buildings purchased by Debbie Williams, she has partnered with young entrepreneurs to provide funding for The Flower Cart and Moments in Monroe which are two new start up businesses.

In addition to her downtown Tompkinsville investments, Debbie Williams also owns Spin-out Body Shop and Monroe County's only motel—The Tompkinsville Inn.

Despite Tompkinsville being a small town in an economically depressed region, thanks to Debbie Williams, Tompkinsville is now a hotbed of new investments, and it has one of the most beautiful downtown areas in Kentucky.

Debbie Williams is not just a female entrepreneur success story, she is a hometown hero for her downtown revitalization efforts and her achievement in attracting new private investment into the great town of Tompkinsville, Kentucky.

#### MILITARY RETIREMENT—UNITED STATES MARINE CORPS

### HON. TREY GOWDY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. GOWDY. Mr. Speaker, I include in the RECORD the following Proclamation in honor of an exceptional officer in the United States Marine Corps. Colonel Donald L. Revell, will re-

tire in December after more than 30 years of distinguished service to the Marine Corps and the Nation.

Whereas, in May 1986, Colonel Revell graduated from Francis Marion University earning a Bachelor of Science degree in Electronic Engineering Technology.

Whereas, following in his father's Marine Corps footsteps, Colonel Revell was commissioned a Second Lieutenant through the Marine Officer Candidate School Program. A graduate from the Basic Communication Officer School and the Cryptologic Division Officer's School, Colonel Revell was designated a Signals Intelligence Electronic Warfare Officer. His illustrious career would begin with "America's Radio Battalion", the Second Radio Battalion, Fleet Marine Force Atlantic, Camp Lejeune, North Carolina.

Whereas, over the course of 30 plus years, serving in both active and reserve duty status and in a variety of command and staff assignments, Colonel Revell provided outstanding leadership with integrity and offered sound advice on numerous issues of importance to the Marine Corps and to our Nation.

Whereas, 1 January 2018, Colonel Revell will officially retire from the United States Marine Corps faithfully serving this great nation for 31 years. Be it

Resolved, That I, TREY GOWDY, do congratulate Colonel Donald L. Revell, his wife Beth Anne, their two sons, Griffin and Alexander for their unwavering commitment and devotion to service to our great Nation, and thank them for their unwavering loyalty, dedication and contributions to Spartanburg County and to the Fourth Congressional District of South Carolina.

#### IN RECOGNITION OF RICHARD KERN AND A TRADITION OF COMMUNITY SERVICE

### HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor Richard Kern for his 50 years of service in the East Bangor Fire Department. His accomplishments were celebrated by his peers on the evening of Saturday, November 11.

As a resident of Bangor, Pennsylvania, Richard has been a constant steward of public safety in my District for a half-century. Richard led the department as Fire Chief from 1993 to 1995. During his service he inspired confidence and put his own life at risk to ensure the safety of others. Today, he remains an active member of the fire department as Safety Officer. His dedication to helping others extends beyond the East Bangor Fire Department. Richard is also a life member of the Blue Valley Rescue Squad, an organization founded in 1973 to provide emergency services to the Slate Belt region.

I ask my fellow Members to join me in recognizing Richard Kern for life of service and commitment to the well-being of his community.

#### PERSONAL EXPLANATION

### HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. RENACCI. Mr. Speaker, had I been present, I would have voted yea on Roll Call No. 623, yea on Roll Call No. 624 and nay on Roll Call No. 625.

#### THEODORE EDWIN CLYDE DAVIES, MD

### HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. COMER. Mr. Speaker, today I rise to honor the outstanding career of Dr. Theodore Davies.

It all began in the mountains of eastern Kentucky, making house calls with his Father. Often, there was no road to help them travel where they needed to go; but, still, they found a way or made their own. This would become the story of young Theodore Edwin Clyde Davies' life. A life spent in dedication to others.

His formal education began at the prestigious McCallie School located on Missionary Ridge in Chattanooga, Tennessee. Founded in 1905, McCallie is highly regarded as a private, Christian based college preparatory school for young boys and men, grades 6 through 12. Here, the virtues of honor, truth, and duty would be fostered, and he would encounter the question, "What is man's chief end?"

Young Theodore next found his way to Vanderbilt University and graduated in 1967. Answering the call to follow in his Father's footsteps, he then attended the University of Louisville School of Medicine and graduated in 1971. His surgical internships and residency in Neurosurgery would take him to the Indiana Medical Center, and Montreal, Canada. In Montreal, he would train on the first CT scanner in North America. Later, during his training in Louisville, he would begin treating patients with the first CT scans in the United States.

The next leg of his journey would lead to the service of his country in the United States Navy. Reporting to both Portsmouth, Virginia, and Okinawa, Japan, he would leave the service with the rank of Lt. Commander.

Finally, on to Paducah, Kentucky, answering the need for a private Neurosurgical practice. Here, he would make his home with his wife, Debbie—the most beautiful nurse he had ever seen. That home would eventually include the blessings of Ann, Teddy, Ellen and Emily. Now, 37 years later, they continue to be blessed with new additions, including 4 grandchildren.

As he concludes his active practice and retires this December, he looks forward to traveling and spending time with family, reading all those books that have been on his "to do list" for years, and hitting the greens every chance he gets. He will also be able to reflect upon his work as a physician and surgeon and know that he has upheld his Oath to others. He knows well, and has shared with countless others, that the answers to man's chief end is "to glorify God and to enjoy Him forever." I thank Dr. Davies; well done, Sir.



TRIBUTE TO THE LIFE OF RODNEY  
MAURICE GILBERT

**HON. DONALD M. PAYNE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. PAYNE. Mr. Speaker, I rise to honor the life and legacy of Rodney Maurice Gilbert, a giant in New Jersey arts and social justice activism. For the past fifteen years, Mr. Gilbert led Yendor Productions, a Newark-based firm he founded in order to develop and produce arts education programming that elevates oppressed voices. He was a dedicated artist, educator, and community leader.

Mr. Gilbert devoted his life to helping underserved communities find their artistic voices. After graduating from the University of the Arts in Philadelphia, Pennsylvania, Mr. Gilbert spent three decades serving the arts community in New Jersey. He was an accomplished actor with credits on stages from Broadway to Little Rock. He was a gifted director known for shining artistic light on social issues such as mental illness. And he was an educator who inspired young artists to bring to life the untold stories of underserved communities.

Mr. Gilbert left a lasting impact on New Jersey. He helped heal Newark by paving the way for people to use arts and culture as vehicles for advancing social justice. Mr. Gilbert brought people together. He inspired young people. And he created a platform for people to creatively tell their own stories. In July, Mr. Gilbert directed *Down Neck*, a play written by Pia Wilson that explores the 1967 Newark Rebellion's impacts on the Ironbound neighborhood. His inspirational use of arts as a means to speak truth, preserve history, and pursue justice has left a permanent mark on the New Jersey arts scene.

Mr. Gilbert passed away on November 8, 2017, but his legacy will live on. I ask that my colleagues join me in honoring the life of Rodney Gilbert—artist, teacher, advocate, and friend.

HONORING THE LIFE AND LEGACY  
OF REVEREND MARY EDITH  
MOODY

**HON. CEDRIC L. RICHMOND**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. RICHMOND. Mr. Speaker, I rise today to honor the life and legacy of Reverend Mary Edith Moody, a native of Baton Rouge, Louisiana, who passed away on October 28, 2017 at the age of 91.

Rev. Moody was born on July 29, 1926, in Baton Rouge, Louisiana. She was one of nine siblings in a family of modest means. Her father, Mr. James Nathaniel Moody Sr., was a supervisor of Negro Schools in West Baton Rouge and her mother was a teacher. After graduating from high school at Southern University Lab School in 1943, she earned two degrees from Southern University: one in business education and the other in secondary education. She later earned a master's degree in education from Louisiana State University and a certificate of theology from the Interdenominational Theological Center in Atlanta, Georgia.

Rev. Moody taught English and business education to visually impaired children for more than 30 years at the Louisiana State School for the Blind at Southern University—and was one of five teachers named Outstanding Secondary Educator of America from a field of 5,000 candidates—before retiring from her teaching career to become one of the first female ministers for the African Methodist Episcopal Church.

Rev. Moody was ordained in 1976 and assigned to Black Creek AME Church in Darlington that same day. During her pastoral career, she served as pastor at Mount Everett AME Church in St. Helena Parish and Heard AME Church in Baton Rouge and eventually became an associate pastor at Bethel AME Church on South Street.

Rev. Moody received numerous awards for service, commitment and leadership, including the Powell-Reznikoff Award from the Baton Rouge Council on Human Relations in 2001 along with the first Mid City Community Lifetime Achievement Medal in 2004 at the age of 77. Also, she was a proud member of Zeta Phi Beta Sorority, Inc., for more than 70 years.

Rev. Moody devoted herself to numerous Baton Rouge community organizations, advocating for children, African Americans, women, the poor, and anyone facing hardship. We cannot match the sacrifices made by Rev. Moody, but surely we can try to match her sense of service. We cannot match her courage, but we can strive to match her devotion.

Rev. Mary Edith Moody survivors include her sister, Ms. Martha E. Moody Boone; Brother, Mr. Charles David Moody, Sr.; and Sister-in-Law, Ms. Dorothy Johnson Moody; twenty-four Nieces and Nephew; a host of Grand-, Great-Grand-, and Great-Great-Great-Nieces and Nephew; and a host of surrogate sons and daughters.

Mr. Speaker, I celebrate the life and legacy of Reverend Mary Edith Moody a beloved daughter, sister, and grandmother as well as a true example of Baton Rouge culture personified.

PERSONAL EXPLANATION

**HON. JARED HUFFMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. HUFFMAN. Mr. Speaker, on Monday, November 13, 2017, I was unavoidably detained. As a result, I was absent for Roll Call votes 623 through 625.

Had I been present for Roll Call vote 623, on agreeing to H. Res. 599, I would have voted yes; on Roll Call vote 624, on suspension of the rules and passage of H.R. 3071, I would have voted yes; and on Roll Call vote 625, on approving the journal, I would have voted yes.

H.R. 3705, THE VETERANS FAIR  
DEBT NOTICE ACT OF 2017

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to support H.R. 3705, the Veterans Fair

Debt Notice Act of 2017. H.R. 3705 modifies the ways that veterans are notified of any outstanding debts from a Department of Veterans Affairs (VA) program.

This bill is essential because current VA debt notification letters can be confusing, highly technical, and fail to convey important dates and amounts. This legislation would direct the VA to clarify language in debt notification emails, coordinate email and postal mail notifications, and study the process of debt notification to ensure that messages are communicated effectively. The cost of sending postal mail notifications would also be evaluated in this study.

Congress should take measures to reduce veterans' debt by effectively communicating outstanding payments and due dates. Reducing debt is one of many ways we can ensure a smoother transition into civilian society for our veterans, which is why I support this legislation.

PERSONAL EXPLANATION

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. ELLISON. Mr. Speaker, due to other commitments, I missed the following Roll Call votes. Had I been present, on Roll Call no. 613, I would have voted yes; and on Roll Call no. 614, I would have voted no.

RECOGNIZING THE SMILEY  
FAMILY

**HON. JOHN J. FASO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. FASO. Mr. Speaker, I rise today to recognize and honor the Smiley Family of Mohonk Mountain House for being named the recipients of the 2017 Legendary Family Historic Hoteliers of the Year by Historic Hotels of America and Historic Hotels Worldwide. This prestigious award acknowledges multigenerational, family-owned historic hotels that are exemplary in both their operation and preservation efforts. It is true testament to the Smiley Family's continued legacy of historical, environmental, and cultural stewardship.

Founded in 1869 by Albert Smiley, the Mohonk Mountain House—a picturesque Victorian castle resort surrounded by vast forests and wildlife—is still owned and operated by the Smiley Family. What makes the Mohonk Mountain House such a prized treasure in the 19th District, and an attraction for travelers worldwide, is the Smiley Family's dedication to conserving the historical integrity of their resort and the land surrounding it.

Using their timeless resort as a catalyst for historical, environmental, and cultural preservation, the Smiley Family has redefined the role of hoteliers and has established a higher standard of excellence. For example, in 1963, the Smiley Family founded the Mohonk Preserve, a nature preserve that safeguards more than 8,000 acres. In 1980, the Smiley Family also founded Mohonk Consultations, a non-profit think tank focused on environmental issues throughout the Hudson Valley.

On behalf of New York's 19th District, I want to congratulate and celebrate the Smiley Family on their much-deserved award. We are grateful for the Smiley Family's dedication to the values we in the 19th District hold dear: environmental conservancy and a profound appreciation for history and culture.

#### PERSONAL EXPLANATION

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. GRAVES of Missouri. Mr. Speaker, on November 13, 2017 I missed a series of Roll Call votes. Had I been present, I would have voted "YEA" on Nos. 623 and 624. I would have voted "NAY" on No. 625.

#### CONGRATULATIONS TO RICHARD PETERS

### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. LONG. Mr. Speaker, I rise today to congratulate Mr. Richard Peters on his successful career in the U.S. Navy.

Richard Peters selfless service to the U.S. Navy has led to him being awarded a number of awards, such as the China Service Medal, the Korean Service Medal and the National Defense Medal, among other awards. Due to his distinguished career, Richard Peters has also been authorized the Republic of Korea War Service Medal and the United Nations Service Medal.

I am honored to have a man like Richard Peters in my district. I can't thank him enough for his service and sacrifice for our country.

Mr. Speaker, on behalf of Missouri's 7th Congressional District, I ask my colleagues to congratulate Richard Peters on his distinguished Naval career. I wish him all of the best in his future endeavors.

#### PERSONAL EXPLANATION

### HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for Roll Call votes 623, 624, and 625 on Monday, November 13, 2017. Had I been present, I would have voted Yea on Roll Call votes 623 and 624, and Nay on Roll Call vote 625.

#### CELEBRATING THE CAREER OF MS. ELAINE ROBERTS

### HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. STIVERS. Mr. Speaker, I rise today on behalf of the people of Ohio's 15th Congress-

sional District to celebrate the career of Ms. Elaine Roberts, as she retires from service as the President and Chief Executive Officer of the Columbus Regional Airport Authority.

For over a decade, Ms. Roberts has served as the first-ever CEO of a combined aviation authority. She was named to the newly-created position in January of 2003, and has utilized her experience as an Accredited Airport Executive (A.A.E.), and the past Chair of the American Association of Airport Executives (AAAE).

Ms. Roberts' leadership has guided the Authority during a period of expansive growth, including the merger of two airport authorities, more than one billion dollars in airport infrastructure development, and historic improvements at the John Glenn Columbus and the Rickenbacker International Airport facilities.

Ms. Roberts is a true coalition-builder. She successfully brought stakeholders across the federal, state, and local levels, along with the private sector, to develop the Rickenbacker Intermodal Facility. Her efforts to transform Rickenbacker into a leading center for trade led to her nomination and selection as a 2015 White House Champion of Change in Transportation.

Her contributions to the Central Ohio community and local economy are immeasurable. International and domestic freight operations—served by rail, highways, and international activation—helped to provide a livelihood for over 20,000 residents in the region.

Ms. Roberts will be missed by her colleagues and fellow aviation executives, but I join the Ohio delegation in wishing her all the best as she begins a new chapter in her life and pursues future endeavors. I ask my colleagues to join me in congratulating Ms. Elaine Roberts on her invaluable service to the residents of Ohio, and the aviation industry at large.

#### IN RECOGNITION OF MIKE COOK

### HON. MARK MEADOWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. MEADOWS. Mr. Speaker, I rise today to recognize Mr. Mike Cook of Caldwell County, North Carolina. On behalf of the people of Western North Carolina, I would like to thank Mr. Cook for over 40 years of service to our communities and congratulate him on his recent retirement.

Mike Cook began his career in the fire service as a volunteer in 1977 and eventually became a paid firefighter with the City of Lenoir in 1980. He began working with the Caldwell County Fire Marshal's Emergency Management Office in 1985, as a hazmat planner with North Carolina Emergency Management in 1988, and as Area Coordinator and eventually Branch Manager in 2006. All told, Mr. Cook has aided in thirty-two FEMA disaster declarations, including deploying to Mississippi during Hurricane Katrina and to Lumberton, North Carolina during Hurricane Matthew. Mr. Cook was instrumental in the development of the North Carolina All Hazards Incident Management Teams, and maintains credentials as an Incident Commander with the Western Branch All Hazards Incident Management Team. He is an Eagle Scout and longtime volunteer in his

community, serving on the Board of Directors of Patterson Fire Department since 1977 and currently serving as President of the Board.

Over the course of his career, Mike has been honored with the North Carolina Department of Public Safety Gold Circle Award and the Colonel William A. Thompson Award and Employee of the Year by the North Carolina Emergency Management Association. He received special recognition for work throughout the Democratic National Convention in 2012 from the Federal Bureau of Investigation and for response during Hurricane Floyd in 1999 from the North Carolina National Guard 139th Rear Tactical Operation Center.

Mike Cook has earned the respect and friendship of the people of Caldwell County through his hard work and wide-ranging involvement in his community. For his service to Western North Carolina, I am honored to express to Mr. Cook the gratitude and best wishes of the people of North Carolina on his retirement.

#### RECOGNIZING ALFRED RAYMOND COE

### HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. MEEHAN. Mr. Speaker, today I recognize Alfred "Ray" Coe of Chester County, Pennsylvania, for his life dedicated to serving his community and our country. Mr. Coe honorably served the United States Army during Vietnam in three Calvary units in addition to serving his community of Kennett Square, Pennsylvania as a volunteer Scoutmaster with the Boy Scouts of America. Mr. Coe has also worked with his local government in various positions.

Mr. Coe received three promotions during his tour in Vietnam. He was injured when his vehicle was blown up by a mine, but courageously returned and rescued his Sergeant from the vehicle. For these and other efforts he earned numerous awards for his honorable service. Among the honors were the Purple Heart, Bronze Star, and Army Commendation for Valor, of which he is most proud. Upon returning home, Mr. Coe began volunteering with the Boy Scouts of America, eventually becoming Scoutmaster. Mr. Coe continued his service to his community through the Scouts working as his district's Unit, Training, and Roundtable Commissioner. Mr. Coe's years of service to his country and neighbors are invaluable. There is no doubt he has saved and improved the lives of many through that service.

I commend Mr. Alfred Coe for his passionate dedication to community and country. He has earned the respect of his friends, family, and colleagues, as well as the public he has served. I thank him for all he has done and continues to do.

#### PERSONAL EXPLANATION

### HON. JOHN K. DELANEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. DELANEY. Mr. Speaker, I was unable to cast my vote on Roll Call No. 623, No. 624,

and No. 625. Had I been present, on Roll Call No. 623, I would have voted 'YEA'; on Roll Call No. 624, I would have voted 'YEA'; and on Roll Call No. 625, I would have voted 'NAY'.

RECOGNIZING THE LEADERSHIP  
AND ACTIVISM OF LESLIE DIANE  
HIATT

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Ms. ROYBAL-ALLARD. Mr. Speaker, as we observe American Education Week, I rise today to recognize Leslie Diane Hiatt, a remarkable teacher and social activist in my 40th Congressional District of California. As a teacher at Bell Gardens Elementary in the Montebello Unified School District, Ms. Hiatt has inspired her students to act on injustices in their community and in the world overall.

Born in Whittier, California, on December 10, 1960, to James and Jean Hiatt, Ms. Hiatt was raised in a loving family that encouraged activism and equality. From a young age, her commitment to social justice and service to her community was apparent. In high school, where she organized the first girls' track team, she often spent her lunch break at the local elementary school organizing intramural sports for the younger students. She also spent her free time writing letters to politicians about air pollution and the Vietnam War, trying to right the wrongs of the world. In 1979, Leslie graduated from Monte Vista High School in Whittier, and went on to attend the University of Southern California, from which she graduated in 1983.

Subsequently, Leslie started her teaching career at Bell Gardens Elementary School. In 1988, she pursued her Master of Arts at California State University, Fullerton. She also received a Math Authorization from Center X at the University of California, Los Angeles, in 2001.

Throughout her 34-year career as an educator, Ms. Hiatt has worked with immigrant and Latino communities. This has positioned her perfectly to help inspire students to believe they cannot be bystanders, and that in order to bring change in the world, they must use their voice to speak up about injustices. To encourage these conversations, she has her students write letters to government representatives and emphasizes the importance of persistence and collaboration. These experiences have empowered her students. Here are some of their particularly important efforts over the years.

In 1989, one of Ms. Hiatt's classes refused to have grapes from the school cafeteria after learning about the United Farm Workers movement and the dangers that grape workers faced as they were being exposed to pesticides. As a result of the ongoing struggle of grape workers, her students wrote letters to their school board, and after a lengthy debate, the district honored the grape boycott. The students' actions later received attention from labor leader Cesar Chavez.

In 2015, as her students learned about the history of immigration in California and the unconstitutional "Mexican Repatriation" deportations of the 1930s, her students were dismayed at the complete absence of information on the deportations in their history textbooks. They were also astounded to know that there has never been a federal apology for those 1930s deportations, which expelled over 1.2 million United States citizens and over two million Mexican nationals who were legally living in the United States. After drafting a letter to President Obama asking for a federal apology for the Mexican Repatriation of the 1930s, the students entered State Assemblywoman Cristina Garcia's "There Ought to Be a Law" contest. Their goal was to have California recognize the history of the Mexican Repatriation and include it in California history textbooks. As winners of the contest, Ms. Hiatt's students traveled to Sacramento to testify in support of the bill, and in the fall of 2015, Governor Brown signed the bill, AB 146, into law.

Later that same year, Ms. Hiatt's students wrote to me asking for my help in obtaining a federal apology for the unconstitutional deportations. In 2016 and 2017, I introduced H.R. 6314 and H.R. 1412, respectively, which would establish a committee to officially study the Mexican Repatriation and to recommend appropriate remedies.

To this day, Ms. Hiatt's students continue to speak up and take action on pressing world events. They have focused on such subjects as the Lakota Tribe in North Dakota, Hurricane Harvey, and the earthquake in Mexico City.

When Ms. Hiatt isn't teaching her classes and working with her students to implement new legislation, she also co-teaches the STEM Club at Bell Gardens Elementary, and helps organize the school's annual science fair. She is also currently taking science education classes at California State University, Long Beach, to learn more about science content and pedagogy, and she is a member of the university's Elementary Science Learning Academy program.

Ms. Hiatt has the infinite love and support of her husband, Francisco López, and her son, Joaquin López, whose encouragement in-

spires her to continue her work as a passionate educator.

Ms. Hiatt has shown exemplary dedication to children and families in my 40th Congressional District, and I am pleased to recognize her work as an educator and leader. I hope my colleagues will join me in recognizing her tremendous activism, her commitment to social justice, and her determination to empower and develop a new generation of conscientious and compassionate activists.

HONORING GRANT R. WARD

**HON. ANDY BIGGS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2017*

Mr. BIGGS. Mr. Speaker, today I honor my constituent Grant R. Ward. Grant of Gilbert, Arizona. He has been chosen to receive the Lifetime Achievement Award from the National Water Resources Association (NWRA).

This lifetime achievement award was established in 1948. According to the NWRA, this award "recognizes members and individuals who have actively served in the leadership of the Association for many years and who, by their activities and service to the goals and objective of the Association, merit Life Member status." Grant embodies the spirit of this distinguished award.

Grant has an impressive resume of service. He graduated from Brigham Young University in 1967 and received his law degree in 1969 from the University of Idaho. From there, he commenced his professional career, serving as an assistant branch manager at the Valley National Bank. He then took a job as General Manager of the Roosevelt Water Conservation District serving there for over a decade. Following this position, he continued his distinguished career as Executive Vice President of the Agri-Business Council of Arizona, Assistant General Manager of the Central Arizona Water Conservation District, and General Manager of the Maricopa-Stanfield Irrigation & Drainage District. He currently is an independent water and power consultant.

Grant is married to Judy and their family includes seven children and 36 grandchildren.

Mr. Speaker, Grant has a remarkable track record of service to our community. He has provided a great example for his children of the value of hard work and giving back through his conservative efforts.

I applaud Grant for his award, and I look forward to his continued service.

# Daily Digest

## Senate

### Chamber Action

**Routine Proceedings, pages S7185–S7223**

**Measures Introduced:** Six bills and one resolution were introduced, as follows: S. 2120–2125, and S. Res. 331. **Pages S7213–14**

**Measures Passed:**

**National Adoption Day and Month:** Senate agreed to S. Res. 331, expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children. **Pages S7192–94**

**Protecting Young Victims from Sexual Abuse Act:** Senate passed S. 534, to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto:

**Pages S7219–21**

McConnell (for Feinstein) Amendment No. 1584, in the nature of a substitute. **Page S7220**

**Portland Thorns FC:** Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 318, honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S7221**

McConnell (for Wyden) Amendment No. 1585, to amend the preamble. **Page S7221**

**Zatezalo Nomination—Agreement:** Senate resumed consideration of the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health. **Page S7206**

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 45 nays (Vote No. 273), Senate agreed to the motion to close further debate on the nomination. **Page S7206**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 9:30 a.m., on Wednesday, November 15, 2017. **Page S7221**

**Esper and Zatezalo Nominations—Agreement:** A unanimous-consent-time agreement was reached providing that notwithstanding Rule XXII, at 11:50 a.m., on Wednesday, November 15, 2017, Senate begin consideration of the nomination of Mark T. Esper, of Virginia, to be Secretary of the Army, that there be up to ten minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, Senate vote on confirmation of the nomination, with no intervening action or debate; and that following disposition of the nomination of Mark T. Esper, all post-cloture time on the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, be considered expired. **Pages S7206–09**

**Nomination Confirmed:** Senate confirmed the following nomination:

By 50 yeas to 47 nays (Vote No. EX. 272), Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

**Pages S7186–92, S7194–S7206, S7223**

**Nominations Received:** Senate received the following nominations:

Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services.

Timothy R. Petty, of Indiana, to be an Assistant Secretary of the Interior.

Robert Frank Pence, of Virginia, to be Ambassador to the Republic of Finland.

Jason Klitenic, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

Thomas D. Homan, of Virginia, to be an Assistant Secretary of Homeland Security.

108 Air Force nominations in the rank of general.

Routine lists in the Air Force, Army, and Navy.

**Pages S7221–23**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

D1213

Timothy Kelly, of Michigan, to be Assistant Secretary for Career, Technical, and Adult Education, Department of Education, which was sent to the Senate on October 3, 2017. **Page S7223**

**Messages from the House:** **Page S7213**

**Measures Referred:**

**age S7213**

**Executive Communications:** **Page S7213**

**Executive Reports of Committees:** **Page S7213**

**Additional Cosponsors:** **Pages S7214–15**

**Statements on Introduced Bills/Resolutions:**  
**Pages S7215–17**

**Additional Statements:** **Page S7212**

**Amendments Submitted:** **Pages S7217–19**

**Authorities for Committees to Meet:** **Page S7219**

**Record Votes:** Two record votes were taken today. (Total—273) **Page S7206**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:21 p.m., until 9:30 a.m. on Wednesday, November 15, 2017. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7221.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee concluded a hearing to examine the nominations of Anthony Kurta, of Montana, to be a Principal Deputy Under Secretary, and James E. McPherson, of Virginia, to be General Counsel of the Department of the Army, who was introduced by Senator Strange, both of the Department of Defense, and Gregory E. Maggs, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, 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 H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Missouri, and Bruce D. Jette, of Virginia, both to be an Assistant Secretary of the Army, and Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force, all of the Department of Defense.

### TECHNOLOGY IN AGRICULTURE

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security concluded a hearing to

examine technology in agriculture, focusing on data-driven farming, after receiving testimony from Justin Knopf, Kansas Association of Wheat Growers, Gypsum; Jason G. Tatge, Farmobile, Leawood, Kansas; Shannon L. Ferrell, Oklahoma State University Department of Agricultural Economics, Stillwater; Todd J. Janzen, Janzen Agricultural Law LLC, Indianapolis, Indiana; and Dorota Haman, University of Florida Institute of Food and Agricultural Sciences, Gainesville.

### HURRICANE RECOVERY OVERSIGHT

*Committee on Energy and Natural Resources:* Committee concluded an oversight hearing to examine hurricane recovery efforts in Puerto Rico and the United States Virgin Islands, after receiving testimony from Bruce J. Walker, Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy; Major General Ed Jackson, USA, Deputy Commanding General, Civil and Emergency Operations, Army Corps of Engineers, Department of Defense; United States Virgin Islands Governor Kenneth E. Mapp, St. Thomas; Puerto Rico Governor Ricardo Rosselló, Ricardo Ramos, Puerto Rico Electric Power Authority, Natalie Jaresko, Financial Oversight and Management Board for Puerto Rico, and Jose Roman Morales, Puerto Rico Energy Commission, all of San Juan; and Julio A. Rhymer, Sr., Virgin Islands Water and Power Authority, St. Croix.

### EMISSIONS LEGISLATION

*Committee on Environment and Public Works:* Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine S. 1857, to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces, S. 203, to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, S. 839, to allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such rule, and S. 1934, to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, after receiving testimony from Senator Burr; Davis Henry, Henry Brick, Selma, Alabama; Christopher J. Kersting, Specialty Equipment Market Association, Diamond Bar, California; Paul Williams, United States Stove Company, Bridgeport, Alabama; and Emily Hammond, The George Washington University Law School, and John D. Walke, Natural Resources Defense Council, both of Washington, D.C.

**BUSINESS MEETING**

*Committee on Finance:* Committee continued consideration of an original bill entitled, “Tax Cuts and Jobs Act”, but did not complete action thereon, and will meet again on Wednesday, November 15, 2017.

**BUSINESS MEETING**

*Committee on Foreign Relations:* Committee ordered favorably reported the following business items:

S. 1928, to establish a review of United States multilateral aid, with an amendment in the nature of a substitute; and

The nominations of Lisa A. Johnson, of Washington, to be Ambassador to the Republic of Namibia, Sean P. Lawler, of Maryland, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service, Irwin Steven Goldstein, of New York, to be Under Secretary for Public Diplomacy, Rebecca Eliza Gonzales, of Texas, to be Ambassador to the Kingdom of Lesotho, and routine lists in the Foreign Service, all of the Department of State.

**USE OF NUCLEAR WEAPONS**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the authority to order the use of nuclear weapons, after receiving testimony from General C. Robert Kehler, USAF (Ret.), former Commander, Strategic Command, Alexandria, Virginia, and Brian P. McKeon, former Acting Under Secretary for Policy, Washington, D.C., both of the Department of Defense; and Peter Feaver, Duke University, Durham, North Carolina.

**AMERICAN LEADERSHIP IN THE ASIA-PACIFIC**

*Committee on Foreign Relations:* Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy concluded a hearing to examine American leadership in the Asia-Pacific, focusing on the view from Beijing, after receiving testimony from former Senator Max Baucus; Michael Pillsbury, The Hudson Institute, Washington, D.C.; and Graham T. Allison, Harvard Kennedy School, Cambridge, Massachusetts.

**BUSINESS MEETING**

*Committee on Homeland Security and Governmental Affairs:* Committee ordered favorably reported the nomination of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security.

**GENE EDITING TECHNOLOGY**

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine gene editing technology, focusing on innovation and impact, after receiving testimony from Matthew Porteus, Stanford University, Palo Alto, California; Katrine S. Bosley, Editas Medicine, Inc., Cambridge, Massachusetts; and Jeffrey Kahn, Johns Hopkins University Berman Institute of Bioethics, Baltimore, Maryland.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

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# House of Representatives

**Chamber Action**

**Public Bills and Resolutions Introduced:** 13 public bills, H.R. 4382–4394; and 1 resolution, H. Res 620 was introduced. **Page H9254**

**Additional Cosponsors:** **Page H9255**

**Report Filed:** A report was filed today as follows:

H. Res. 619, providing for consideration of the bill (H.R. 1) to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2018, and providing for proceedings during the period from November 17, 2017, through November 27, 2017 (H. Rept. 115–410).

**Page H9254**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Jody B. Hice (GA) to act as Speaker pro tempore for today. **Page H9181**

**Recess:** The House recessed at 10:54 a.m. and reconvened at 12 noon. **Page H9188**

**Guest Chaplain:** The prayer was offered by the Guest Chaplain, Rev. Dr. Anthony K.R. Gibson, African Methodist Episcopal Zion Church, Indianapolis, Indiana. **Page H9188**

**Journal:** The House agreed to the Speaker’s approval of the Journal by a yea-and-nay vote of 244 yeas to 190 nays with one answering “present”, Roll No. 628. **Pages H9188, H9199**

**Designating the Democratic Cloakroom in the Hall of the House of Representatives as the**



**“Gabrielle Giffords-Leo J. Ryan Cloakroom”:** The House agreed to discharge from committee and agree to H. Res. 615, designating the Democratic Cloakroom in the Hall of the House of Representatives as the “Gabrielle Giffords-Leo J. Ryan Cloakroom”.

**Pages H9199–H9200**

**21st Century Flood Reform Act:** The House passed H.R. 2874, to achieve reforms to improve the financial stability of the National Flood Insurance Program, to enhance the development of more accurate estimates of flood risk through new technology and better maps, to increase the role of private markets in the management of flood insurance risks, and to provide for alternative methods to insure against flood peril, by a ye-and-nay vote of 237 yeas to 189 nays, Roll No. 630.

**Pages H9209–38**

Rejected the Pascrell motion to recommit to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a ye-and-nay vote of 190 yeas to 236 nays, Roll No. 629.

**Pages H9236–37**

Pursuant to the Rule, the amendment printed in part A of H. Rept. 115–408, modified by the amendment printed in part B of H. Rept. 115–408, shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill.

**Pages H9191–H9209**

H. Res. 616, the rule providing for consideration of the bill (H.R. 2874) and the conference report to accompany the bill (H.R. 2810) was agreed to by a ye-and-nay vote of 233 yeas to 187 nays, Roll No. 627, after the previous question was ordered by a ye-and-nay vote of 234 yeas to 189 nays, Roll No. 626.

**Pages H9191–99**

**National Defense Authorization Act for Fiscal Year 2018:** The House agreed to the conference report to accompany 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, and to prescribe military personnel strengths for such fiscal year, by a ye-and-nay vote of 356 yeas to 70 nays, Roll No. 631.

**Pages H9200–09, 238–39**

H. Res. 616, the rule providing for consideration of the bill (H.R. 2874) and the conference report to accompany the bill (H.R. 2810) was agreed to by a ye-and-nay vote of 233 yeas to 187 nays, Roll No. 627, after the previous question was ordered by a ye-and-nay vote of 234 yeas to 189 nays, Roll No. 626.

**Pages H9191–99**

**Recess:** The House recessed at 7:22 p.m. and reconvened at 12:25 a.m.

**Page H9253**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H9191.

**Quorum Calls—Votes:** Six ye-and-nay votes developed during the proceedings of today and appear on pages H9197–98, H9198–99, H9199, H9237, H9237–38, H9238–39. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 12:26 a.m. on Wednesday, November 15, 2017.

## *Committee Meetings*

### **RESPONSE AND RECOVERY TO ENVIRONMENTAL CONCERNS FROM THE 2017 HURRICANE SEASON**

*Committee on Energy and Commerce:* Subcommittee on Environment held a hearing entitled “Response and Recovery to Environmental Concerns from the 2017 Hurricane Season”. Testimony was heard from Sam Coleman, Acting Regional Administrator, Region 6, Environmental Protection Agency; Trent Epperson, Assistant City Manager, Pearland, Texas; Trey Glenn, Regional Administrator, Region 4, Environmental Protection Agency; Peter Lopez, Regional Administrator, Region 2, Environmental Protection Agency; Bryan Shaw, Chairman, Texas Department of Environmental Quality; and public witnesses.

### **MISCELLANEOUS MEASURES**

*Committee on Financial Services:* Full Committee began a markup on H.R. 1153, the “Mortgage Choice Act of 2017”; H.R. 1638, the “Iranian Leadership Asset Transparency Act”; H.R. 3093, the “Investor Clarity and Bank Parity Act”; H.R. 3221, the “Securing Access to Affordable Mortgages Act”; H.R. 3299, the “Protecting Consumers’ Access to Credit Act of 2017”; H.R. 3978, the “TRID Improvement Act of 2017”; H.R. 4015, the “Corporate Governance Reform and Transparency Act of 2017”; H.R. 4247, the “Restoring Financial Market Freedom Act of 2017”; H.R. 4248, to amend the Securities Exchange Act of 1934 to repeal certain disclosure requirements related to conflict minerals, and for other purposes; H.R. 4258, the “Family Self-Sufficiency Act”; H.R. 4263, the “Regulation A+ Improvement Act of 2017”; H.R. 4267, the “Small Business Credit Availability Act”; H.R. 4270, the “Monetary Policy Transparency and Accountability Act of 2017”; H.R. 4278, the “Independence from Credit Policy Act of 2017”; H.R. 4279, the “Expanding Investment Opportunities Act”; H.R. 4281, the “Expanding Access to Capital for Rural Job Creators Act”; H.R. 4289, to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to repeal certain disclosure requirements related to coal and mine

safety; H.R. 4292, the “Financial Institution Living Will Improvement Act”; H.R. 4293, to reform the Comprehensive Capital Analysis and Review process, the Dodd-Frank Act Stress Test process, and for other purposes; H.R. 4294, the “Prevention of Private Information Dissemination Act of 2017”; H.R. 4296, to place requirements on operational risk capital requirements for banking organizations established by an appropriate Federal banking agency; H.R. 4302, the “Congressional Accountability for Emergency Lending Programs Act of 2017”; and H.R. 4324, the “Strengthening Oversight of Iran’s Access to Finance Act”.

#### **LOOKING NORTH: ASSESSING THE CURRENT THREAT AT THE U.S.-CANADA BORDER**

*Committee on Homeland Security:* Subcommittee on Border and Maritime Security held a hearing entitled “Looking North: Assessing the Current Threat at the U.S.-Canada Border”. Testimony was heard from the following Department of Homeland Security officials: Michael Dougherty, Assistant Secretary for Border, Immigration, and Trade Policy, Office of Strategy, Policy, and Plans; Scott A. Luck, Acting Deputy Chief, Border Patrol; Kevin Kelly, Special Agent in Charge, Immigration and Customs Enforcement; and a public witness.

#### **PREVENTING SEXUAL HARASSMENT IN THE CONGRESSIONAL WORKPLACE**

*Committee on House Administration:* Full Committee held a hearing entitled “Preventing Sexual Harassment in the Congressional Workplace”. Testimony was heard from Representatives Speier and Byrne; Gloria Lett, Counsel, Office of House Employment Counsel; and Barbara Childs Wallace, Chair, Board of Directors, Office of Compliance.

#### **OVERSIGHT OF THE DEPARTMENT OF JUSTICE**

*Committee on the Judiciary:* Full Committee held a hearing entitled “Oversight of the Department of Justice”. Testimony was heard from Jefferson Sessions III, Attorney General, Department of Justice.

#### **THE NEED FOR TRANSPARENT FINANCIAL ACCOUNTABILITY IN TERRITORIES’ DISASTER RECOVERY EFFORTS**

*Committee on Natural Resources:* Full Committee held a hearing entitled “The Need for Transparent Financial Accountability in Territories’ Disaster Recovery Efforts”. Testimony was heard from Ricardo Rosselló, Governor, Puerto Rico; and Kenneth Mapp, Governor, United States Virgin Islands.

#### **REGULATORY REFORM TASK FORCES CHECK-IN: PART II**

*Committee on Oversight and Government Reform:* Subcommittee on Intergovernmental Affairs; and Subcommittee on Healthcare, Benefits, and Administrative Rules held a joint hearing entitled “Regulatory Reform Task Forces Check-In: Part II”. Testimony was heard from Rebeckah Adcock, Senior Advisor, Office of the Secretary, Department of Agriculture; Robert Eitel, Senior Counselor, Office of the Secretary, Department of Education; and Charles Keckler, Associate Deputy Secretary, Office of the Secretary, Department of Health and Human Services.

#### **TAX CUTS AND JOBS ACT**

*Committee on Rules:* Full Committee held a hearing on H.R. 1, the “Tax Cuts and Jobs Act”. The Committee granted, by record vote of 8–3, a closed rule for H.R. 1. The rule provides four hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–39 shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to recommit with or without instructions. The rule provides that clause 5(b) of rule XXI shall not apply to the bill or amendments thereto. In section 2, the rule provides that upon passage of H.R. 1, the amendment to the title of such bill recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. In section 3, the rule provides that on any legislative day during the period from November 17, 2017, through November 27, 2017: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. Finally, section 4 of the rule provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3. Testimony was heard from Chairman Brady of Texas and Representatives Neal, Doggett, Barton, Hultgren, King of Iowa, McClintock, Walker, Jackson Lee, and Polis.

## BOLSTERING THE GOVERNMENT'S CYBERSECURITY: A SURVEY OF COMPLIANCE WITH THE DHS DIRECTIVE

*Committee on Science, Space, and Technology:* Subcommittee on Oversight held a hearing entitled “Bolstering the Government’s Cybersecurity: A Survey of Compliance with the DHS Directive”. Testimony was heard from Jeanette Manfra, Assistant Secretary, Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security; Renee Wynn, Chief Information Officer, National Aeronautics and Space Administration; Essye Miller, Deputy Chief Information Officer for Cybersecurity, Department of Defense; and a public witness.

## Joint Meetings

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 15, 2017

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations:* Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine Department of Veterans Affairs efforts to prevent and combat opioid over medication, 2:30 p.m., SD-124.

*Committee on Energy and Natural Resources:* business meeting to consider, pursuant to H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018, reconciliation legislation to authorize the Secretary of the Interior to establish and administer a competitive oil and gas program in the non-wilderness portion of the Arctic National Wildlife Refuge, known as the “1002 Area” or Coastal Plain, 9 a.m., SD-366.

*Committee on Environment and Public Works:* to hold hearings to examine promoting American leadership in reducing air emissions through innovation, 10 a.m., SD-406.

*Committee on Finance:* business meeting to continue consideration of an original bill entitled, “Tax Cuts and Jobs Act”, 9 a.m., SH-216.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine encouraging healthy communities, focusing on perspective from the Surgeon General, 10 a.m., SD-430.

Full Committee, to hold hearings to examine the nominations of Mitchell Zais, of South Carolina, to be Deputy Secretary, and James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, both of the Department of Education, and Kate S. O’Scannlain, of Maryland, to be Solicitor, and Preston Rutledge, of the District of Columbia, to be an Assistant Secretary, both of the Department of Labor, 2:30 p.m., SD-430.

*Committee on the Judiciary:* to hold hearings to examine the nominations of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit, Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit, Claria Horn Boom, to be United States District Judge for the Eastern and Western Districts of Kentucky, John W. Broomes, to be United States District Judge for the District of Kansas, Rebecca Grady Jennings, to be United States District Judge for the Western District of Kentucky, and Robert Earl Wier, to be United States District Judge for the Eastern District of Kentucky, 10 a.m., SD-226.

### House

*Committee on Appropriations,* Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing entitled “2018 Veterans Affairs Electronic Health Record”, 9:30 a.m., 2362-A Rayburn.

*Committee on Education and the Workforce,* Full Committee, hearing entitled “Examining the Policies and Priorities of the U.S. Department of Labor”, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Environment, markup on H.R. 1917, the “Blocking Regulatory Interference from Closing Kilns Act of 2017”; H.R. 453, the “Relief from New Source Performance Standards Act of 2017”; H.R. 350, the “Recognizing the Protection of Motorsports Act of 2017”; and H.R. 1119, the “Satisfying Energy Needs and Saving the Environment Act”, 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Full Committee, continue markup on H.R. 1153, the “Mortgage Choice Act of 2017”; H.R. 1638, the “Iranian Leadership Asset Transparency Act”; H.R. 3093, the “Investor Clarity and Bank Parity Act”; H.R. 3221, the “Securing Access to Affordable Mortgages Act”; H.R. 3299, the “Protecting Consumers’ Access to Credit Act of 2017”; H.R. 3978, the “TRID Improvement Act of 2017”; H.R. 4015, the “Corporate Governance Reform and Transparency Act of 2017”; H.R. 4247, the “Restoring Financial Market Freedom Act of 2017”; H.R. 4248, to amend the Securities Exchange Act of 1934 to repeal certain disclosure requirements related to conflict minerals, and for other purposes; H.R. 4258, the “Family Self-Sufficiency Act”; H.R. 4263, the “Regulation A+ Improvement Act of 2017”; H.R. 4267, the “Small Business Credit Availability Act”; H.R. 4270, the “Monetary Policy Transparency and Accountability Act of 2017”; H.R. 4278, the “Independence from Credit Policy Act of 2017”; H.R. 4279, the “Expanding Investment Opportunities Act”; H.R. 4281, the “Expanding Access to Capital for Rural Job Creators Act”; H.R. 4289, to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to repeal certain disclosure requirements related to coal and mine safety; H.R. 4292, the “Financial Institution Living Will Improvement Act”; H.R. 4293, to reform the Comprehensive Capital Analysis and Review process, the Dodd-Frank Act Stress Test process, and for other purposes; H.R. 4294, the “Prevention of Private Information Dissemination Act of 2017”; H.R. 4296, to place requirements on

operational risk capital requirements for banking organizations established by an appropriate Federal banking agency; H.R. 4302, the “Congressional Accountability for Emergency Lending Programs Act of 2017”; and H.R. 4324, the “Strengthening Oversight of Iran’s Access to Finance Act”, 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, markup on H. Res. 336, reaffirming a strong commitment to the United States-Mexico Partnership; H. Res. 401, urging China, South Korea, Vietnam, Thailand, the Philippines, Indonesia, Cambodia, Laos, India, and all nations to outlaw the dog and cat meat trade and to enforce existing laws against the trade; H. Res. 407, condemning the persecution of Christians around the world; H.R. 1164, the “Taylor Force Act”; H.R. 1415, the “End Neglected Tropical Diseases Act”; H.R. 2712, the “Palestinian International Terrorism Support Prevention Act of 2017”; H.R. 3542, the “ Hamas Human Shields Prevention Act”; H.R. 3776, the “Cyber Diplomacy Act of 2017”; H. Con. Res. 90, condemning ethnic cleansing of the Rohingya and calling for an end to the attacks in and an immediate restoration of humanitarian access to the state of Rakhine in Burma, 10 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing entitled “Development Finance in Asia: U.S. Economic Strategy Amid China’s Belt and Road”, 2:30 p.m., 2172 Rayburn.

*Committee on Homeland Security*, Subcommittee on Cybersecurity and Infrastructure Protection, hearing entitled “Maximizing the Value of Cyber Threat Information Sharing”, 2 p.m., HVC–210.

*Committee on the Judiciary*, Full Committee, markup on H.R. 170, the “Protect and Grow American Jobs Act”, 10 a.m., 2141 Rayburn.

*Committee on Natural Resources*, Subcommittee on Indian, Insular and Alaska Native Affairs, hearing on H.R. 212, the “EFFECT Act”, H.R. 2320, the “Samish Indian Nation Land Conveyance Act of 2017”; and H.R. 3225, the

“Oregon Tribal Economic Development Act”, 10 a.m., 1324 Longworth.

Subcommittee on Federal Lands, hearing on H.R. 801, the “Route 66 National Historic Trail Designation Act”; H.R. 2888, the “Ste. Genevieve National Historical Park Establishment Act”; H.R. 3979, the “Keep America’s Refuges Operational Act”; and H.R. 4266, the “Acadia National Park Boundary Clarification Act”, 10:30 a.m., 1334 Longworth.

*Committee on Oversight and Government Reform*, Full Committee, hearing entitled “Recommendations and Reforms from the Inspectors General”, 10 a.m., 2154 Rayburn.

Subcommittee on Information Technology; and Subcommittee on Government Operations, joint hearing entitled “The Federal Information Technology Acquisition Reform Act (FITARA) Scorecard 5.0”, 2 p.m., 2154 Rayburn.

*Committee on Science, Space, and Technology*, Full Committee, markup on legislation on the Department of Energy Research Infrastructure Act of 2017; legislation on the Accelerating American Leadership in Science Act of 2017; legislation on the Nuclear Energy Research Infrastructure Act of 2017; legislation on the STEM Research and Education Effectiveness and Transparency Act; H.R. 4323, the “Supporting Veterans in STEM Careers Act”; H.R. 4254, the “Women in Aerospace Education Act”; and H.R. 3397, the “Building Blocks of STEM Act”, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, Full Committee, hearing entitled “Federal Government and Small Businesses: Promoting Greater Information Sharing for Stronger Cybersecurity”, 11 a.m., 2360 Rayburn.

### Joint Meetings

*Commission on Security and Cooperation in Europe*: to hold hearings to examine the victims of Turkey’s failing rule of law, 9:30 a.m., SD–124.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, November 15

## Senate Chamber

**Program for Wednesday:** Senate will continue consideration of the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, post-cloture.

At approximately 12 noon, Senate will vote on confirmation of the nomination of Mark T. Esper, of Virginia, to be Secretary of the Army.

Following disposition of the nomination of Mark T. Esper, Senate will vote on confirmation of the nomination of David G. Zatezalo.

Following disposition of the nomination of David G. Zatezalo, Senate will vote on the motion to invoke cloture on the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency, Department of the Treasury.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, November 15

## House Chamber

**Program for Wednesday:** Consideration of H.R. 1—Tax Cuts and Jobs Act. Consideration of measures under suspension of the Rules.

## Extensions of Remarks, as inserted in this issue

## HOUSE

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# Congressional Record

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