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No. 197

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

December 10, 2019.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2019, 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.

### CELEBRATING THE RESILIENT SPIRIT OF DAVID WHEAT

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

Mr. STAUBER. Mr. Speaker, I rise today to honor Commander David Wheat, a Vietnam veteran and former prisoner of war from Minnesota's Eighth Congressional District, who is about to celebrate his 80th birthday on December 16.

David grew up in Duluth, Minnesota, and graduated from the University of

Minnesota Duluth before entering the Naval Aviation Officer Candidate School and earning the commission of an ensign. In April 1965, he received his naval flight officer wings and was deployed to Vietnam, flying in an F-4B Phantom as a radar intercept officer.

In October 1965, David was shot down and captured by enemy forces. He spent the next 7 years and 4 months as a prisoner of war in various camps, including the infamous Hanoi Hilton. Despite the cruel torture and inhumane conditions David endured at the hands of his captors, they were never able to rob him of his resilient American spirit.

Following his release from prison, David vowed that he would be happy for the rest of his life. David went on to continue a life of service, reporting to pilot training and earning his naval aviation wings in 1975.

Throughout his career, David flew various types of aircraft and retired after 20 years of honorable service. David also got married and started a family of his own.

In my hometown of Duluth, Minnesota, we are incredibly proud to have a hero like Commander David Wheat living amongst us. David has been an active member of our community, supporting activities and fundraisers for various veterans organizations.

Mr. Speaker, on behalf of every Minnesotan, I thank Commander Wheat for his brave service and wish him the happiest of birthdays.

### TAKING A STAND AGAINST VIOLENCE

Mr. STAUBER. Mr. Speaker, I rise today to address the heartbreaking trend of violence troubling our Native American communities and recognize the Tribal leaders from my district who are taking a stand on this issue.

Native American women in particular face a disproportionately high risk of violence. According to one study, the murder rate of Native American women is 10 times the national average.

During my 23 years as a law enforcement officer in northern Minnesota, I heard far too many horror stories about trafficked or murdered Native American women. Too often, these cases go unresolved.

These victims and their families deserve action. I was glad to hear that President Donald Trump recently signed an executive order establishing an interagency task force to review unsolved cases. I was especially pleased to see Fond du Lac council member Roger Smith, Fond du Lac chairman Kevin Dupuis, and Mille Lacs band chief Melanie Benjamin standing alongside our President in the Oval Office as he signed this executive order.

I applaud Minnesota's Tribal leaders for standing united against this epidemic of violence, and I remain committed to supporting them in this critical mission.

### AND STILL I RISE

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

Mr. GREEN of Texas. Mr. Speaker, and still I rise with love for my country at heart.

Mr. Speaker, if I appear to have a pensive persona, it is because I am experiencing a melancholy moment, a melancholy moment because some 2-plus years ago I came to the floor of this House, stood in the well, and called for the impeachment of the President some 2 years ago.

That moment is now at hand, and I do feel a sense of thoughtfulness, pensiveness because, to be very honest, I am saddened about what is about to happen. It is not something that I want to see occur in my country. I love my country. This is not something that I came to Congress to be a part of, but it is about to happen.

The House will vote. The President will be impeached, after which his case

□ 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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will go to the Senate. The Senate will have a trial. If the Senate convicts and removes the President from office, this will bring this ignoble chapter in Presidential history to an end. But if the Senate does not convict, then the President is still subject to impeachment for other acts that are impeachable.

I have always brought my Articles of Impeachment to the floor. I have always had a rationale for my actions. I never said to just impeach the President because he ought to be impeached. I never felt that way. I do not feel that way currently. Impeachment is a serious undertaking, and I always have been serious about my actions.

I do believe that, if the Senate does not convict, other Articles of Impeachment may be considered. Currently, we are considering two Articles of Impeachment—abuse of power and obstruction of Congress—but there is much more to be considered. It is my opinion that we will still have work to do if the Senate does not convict.

To this end, I want to use an example so that people will understand the point I am making. The President himself has said that he could shoot someone on Fifth Avenue—these are the President's words—and he would not lose his base of support. Well, if he does that with malice aforethought and if someone is hurt, regardless as to what happens in the Senate, if the Senate does not convict, the President can be brought before the bar of justice again.

This is the bar of justice for a President who commits impeachable acts. This is the only place where the President can be brought before the bar of justice while he is President—right here. If he does such a thing with malice aforethought, I would bring Articles of Impeachment before this august body for consideration.

My prayer is that the Senate will do its job and not only receive the Articles of Impeachment but also act on them because I believe that the President ought to be convicted and removed from office. I have said before and say now: He is unfit to be President. My prayer is that we will soon end this ignoble chapter in Presidential history.

I love my country, and I stand here with my love for my country at heart, but equally as important is my love for these babies, for people who are being harmed by what this President has done to our society. It fits perfectly in what Alexander Hamilton called to our attention in Federalist Paper No. 65, for what has happened to our society?

I appreciate the articles that are being brought now, but the harm to our society has not been eradicated. We have an unapologetic President who continues to cause harm to this society in the vein and sense that Alexander Hamilton reminded us would be impeachment.

Mr. Speaker, I love my country.

The SPEAKER pro tempore. Members are reminded to refrain from en-

gaging in personalities toward the President.

#### RECOGNIZING GEORGE WASHINGTON CARVER

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

Mr. BROOKS of Alabama. Mr. Speaker, renowned Alabama educator, artist, and botanist George Washington Carver, like many Americans, overcame numerous obstacles to achieve greatness. Carver's contributions to science and agriculture made a huge impact that is still felt across the globe today.

On January 5, 2020, Alabama will unveil a historic marker honoring Dr. Carver at Decatur's Horizon School.

Carter visited Decatur in 1935. Carver Elementary was named in his honor. During his visit, Carver spoke to an audience of more than 1,000 Decatur residents. In a letter to then-superintendent W.W. Henson after his visit, George Washington Carver wrote: "The Carver School far exceeds my expectations. It is a most beautiful building, and I hope that it will be able in every way to integrate itself into the upbuilding and the development of the splendid possibilities which lie all around you."

Carver was deeply devoted to education. During the Civil War, George Washington Carver was born in Diamond Grove, Missouri. Shamefully, Carver was not allowed to attend public schools near his home because he was an African American. But that did not stop George Washington Carver. He was determined to get an education, so he enrolled at a school 10 miles away in Neosho, Missouri.

In Neosho, Carver was befriended by Mariah Watkins, from whom he rented a room. Mariah Watkins' advice to Carver was simple: "You must learn all you can, then go back into the world and give your learning back to the people." Carver did just that.

Disappointed in the quality of Neosho's school, Carver moved to Kansas and supported himself through a variety of occupations while he furthered his education as he could. After earning his high school diploma, he discovered opportunities for college for Black men in Kansas were nonexistent. So George Washington Carver majored in art at Simpson College in Indianola, Iowa, as their only Black student.

Encouraged by his Simpson professors to focus on botany, Carver transferred to Iowa State, where he earned his bachelor's and master's degrees in science. Thereafter, in April 1896, Booker T. Washington recruited Carver to Tuskegee Institute's agricultural school in Alabama, where Carver taught and mentored generations of students for the next 47 years.

At Tuskegee, Carver developed revolutionary techniques to improve soils depleted by repeated plantings of cotton. Together with other agricultural

experts, he urged farmers to restore nitrogen to their soils by practicing systematic crop rotation, alternating cotton crops with plantings of sweet potatoes or legumes, such as peanuts, soybeans, and cowpeas.

Once at Tuskegee, Carver trained farmers to rotate and cultivate the new crops successfully. Carver developed and established an agricultural extension program for all of Alabama. Carver founded an industrial research laboratory, where he and assistants worked to popularize the new crops by developing hundreds of applications for them.

In 1916, Carver was made a member of the Royal Society of Arts in England, one of only a handful of Americans at that time to receive this honor. The United Peanut Associations of America invited Carver to speak at their 1920 convention. He discussed "The Possibilities of the Peanut" and exhibited 145 peanut products.

Carver received the 1923 NAACP Spingarn Medal for outstanding achievement by an African American.

Before his death in 1943, Carver donated his life savings to establish the Carver Research Foundation at Tuskegee.

Carver was posthumously inducted into the National Inventors Hall of Fame.

The George Washington Carver National Monument was the first national monument dedicated to a Black American and the first to a non-President.

George Washington Carver left a lasting legacy on Alabama's schools, and Alabama is proud to have been the home of this renowned scientific leader.

#### 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 15 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KILMER) at noon.

#### PRAYER

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

Ever faithful to Your promises, we ask Your presence with Your people, now and forever.

The Sun grows dim and the daylight is measured. In the darkness, phantoms loom. The eye cannot discern as the distance fades. Be for us light.

Help the Members of Congress make clear judgments that will propel us

into a blessed future. Remove any shadowy cloud so that they might follow the patterns of Your inspirations.

O Lord of the ages, ever faithful to Your promises, be with us during these most contentious days, and may all that is done in the people's House be for Your greater honor and glory.

Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. THOMPSON of Pennsylvania led the Pledge of Allegiance as follows:

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### PROTECTING PATIENTS FROM UNAFFORDABLE DRUG PRICES

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

Mr. HIGGINS of New York. Mr. Speaker, drug prices in the United States have been rising at rates significantly faster than anywhere else in the world for the past 25 years, according to the Commonwealth Fund.

Investments by the Federal Government and research form the foundation of advances in new treatments and cures. The Federal Government does all the costly basic research; the pharmaceutical industry does all the profitable distribution and marketing.

Now, the Federal Government should use its considerable leverage to negotiate fair drug prices so the American people can truly benefit from their taxpayer investments. I am pleased to see the House moving forward this week with H.R. 3 that will do just that.

We must create leverage whenever we can. Despite promises from President Trump last year that drugmakers would announce massive voluntary price decreases on their products, patients continue to face enormous year-over-year drug price increases on the drugs they need. In the first half of 2018, for every drug that saw a price decrease, 96 drugs saw a price increase.

We also know that drug price hikes are almost never connected to any evi-

dence of innovation and improved benefit.

Why do drug companies raise the price of existing drugs? Because they can.

It is imperative that we protect patients from unaffordable drug prices and unjustified price increases on those drugs.

#### HIGHLIGHTING CRITICAL IMPORTANCE OF USMCA

(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, yesterday I was pleased to join 158 of my colleagues in sending a letter to Speaker PELOSI highlighting the critical importance of the USMCA trade agreement.

It has been nearly 400 days since President Trump signed the agreement with our two closest trading partners, and at long last, it seems a vote may finally be in our near future. With less than 2 weeks left in the legislative calendar, a vote is long overdue.

Farmers, ranchers, manufacturers, and everyone in between will benefit from the passing of USMCA. USMCA will help increase market opportunities, keeping trade free and fair, and the projected impact on our Nation's agricultural industry is staggering.

Under this new, revamped agreement, U.S. agriculture exports are expected to increase by more than \$2 billion, annually, leading to an estimated 325,000 additional jobs here at home. That is good news, not just for our local rural communities, but for each and every American.

USMCA will help bring U.S. trade policy into the 21st century. Each day that passes without a vote is leaving money and opportunity on the table.

#### SMALL BUSINESS GRANT PROGRAM

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

Ms. JACKSON LEE. Mr. Speaker, in 2017, the Gulf region experienced one of the greatest catastrophic floods and hurricanes in our history: Mr. Speaker, 51 trillion gallons of water. Neighborhoods that have never flooded, flooded. People in desperate conditions, reservoirs breaking, dams breaking.

And I knew that we had to rescue them. I introduced the first Hurricane Harvey legislation: \$174 billion.

But, Mr. Speaker, there was a group that I did not want to forget because I know that they are entrepreneurs, and that is why I established the small business grant program, modeled after 9/11, that now has come into fruition with \$100 million. I will go home and announce this to my local community.

The grants are grants and not loans—unique. They are not like the SBA. They are grants. We fought for that

from the Federal Government all the way down to the State government.

I am asking my constituents to meet me in Houston at 2 p.m. for a grand announcement in order for the small businesses still impacted by Hurricane Harvey to get grant relief, money that is not a loan, and I am fighting for those loans to be small enough to help all of our small entrepreneurs.

#### IMPEACHMENT SHAM

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

Mr. KELLER. Mr. Speaker, this week Speaker PELOSI and House Democrats are continuing their 3-year-old quest to overturn the 2016 election and tear down President Donald Trump.

Recently, Speaker PELOSI said the current impeachment farce is not rushed because it has been going on for 2½ years. That seems to me to be admission of what we have known for a long time: that the Democrats do not care how or why they impeach the President, so long as they do so.

This impeachment sham is a result of a quest that began the moment President Trump descended the escalator at Trump Tower in 2015 to announce that he was running for President.

It is also the result of career bureaucrats, some in the intelligence community, and House Democrats trying to prevent or stop President Trump from taking power out of their hands and returning it to the people.

Just this week we have seen evidence that the FBI has been weaponized against the Presidential candidate; Chairman SCHIFF abusing his power by releasing phone records of Members of Congress and reporters, and his refusal to defend a one-sided report crafted by him and his staff.

Again, enough is enough. Let's stop this sham and get back to the work of the American people.

#### LOWERING DRUG COSTS NOW

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

Mr. HORSFORD. Mr. Speaker, I rise today to speak in support of H.R. 3, the Elijah Cummings Lower Drug Costs Now Act.

Across America, seniors and families are struggling to afford the prescription drugs they need to stay healthy.

One of my constituents from the rural part of my district, Christie Baldock from Yerington, Nevada, was receiving tele-healthcare through her Senior Care Plus coverage before her health plan cut its rural coverage. Until she enrolls in another coverage, she will have to pay out of pocket for her prescriptions. Her insulin alone will be \$500 each month.

Under H.R. 3, some commonly used insulins can cost as little as \$400 per

year. For Christie and for the 30.3 million Americans who live with diabetes, we must pass H.R. 3 and lower drug costs now.

#### ADDRESSING PFAS CONTAMINATION AND ITS DEVASTATING EFFECTS

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

Mr. DELGADO. Mr. Speaker, in September, I was named to the National Defense Authorization Act conference committee, which is tasked with reconciling differences between the House and Senate-passed defense authorization bills.

In this role, I believe I would have the chance to advocate for provisions for PFAS contamination and its devastating effects, which include thyroid disease, autoimmune disorders, and cancer. The contaminant has wreaked havoc in my district, from Hoosick Falls to Petersburg.

Unfortunately, leaders in both parties ultimately opted to hijack negotiations at the eleventh hour behind closed doors and in a disturbingly undemocratic fashion. In the end, nearly every PFAS provision was stripped from the agreement.

While I am pleased that my bipartisan legislation requiring PFAS chemicals to be listed on the EPA's Toxic Release Inventory was ultimately included, I am, nonetheless, deeply frustrated by an incredibly flawed process completely void of transparency.

For this reason, I decided not to sign the final conference report. I expected more from this process, and I am quite certain the American people expect more from this body.

#### ENSURING MEDICATION IS ACCESSIBLE

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

Mr. MORELLE. Mr. Speaker, our Nation faces an alarming crisis: The cost of prescription drugs continues to rise, placing a dangerous burden on American families, especially our older citizens. That is why, this week, the House is taking action to lower the cost of lifesaving medication individuals need to survive by passing H.R. 3, the Elijah Cummings Lower Drug Costs Now Act.

I am especially proud this landmark legislation will include a provision I authored with my colleagues, Congressman ROSE and Congressman VEASEY, to help reduce Medicare part D costs for low-income seniors.

H.R. 3 will finally allow Medicare to negotiate drug costs, and our provision will ensure the cost savings go right back to supporting Medicare recipients by expanding access to programs that lower out-of-pocket expenses for vulnerable adults and individuals with disabilities.

We must continue working to improve our healthcare system, and this marks an important step forward in ensuring medication is accessible and affordable for everyday Americans.

#### REMEMBERING CARLOS GREGORIO HERNANDEZ VASQUEZ

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

Ms. BROWNLEY of California. Mr. Speaker, his name was Carlos Gregorio Hernandez Vasquez. He was 16. He was sick with the flu, so sick with the flu that he passed out. He was being detained by U.S. Border Patrol. He laid out on the floor of his cell for hours without a single person coming to help him. He spent hours, until he died, on the floor alone.

When CBP detained him, they were responsible for his well-being. We were responsible for his well-being, and we failed him.

Some say we must create a deterrent from children fleeing their home country. I ask, Mr. President, is this deterrent enough for you?

Our country was founded on the principle that human rights are universal rights. It is at the very core of our Constitution, our democracy, and it is why this democratic experiment endures. Without it, we are nothing.

#### 12 DAYS OF SALT

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

Ms. SHERRILL. Mr. Speaker, on the fifth day of SALT, my constituents have said to me that the SALT cap has hit the values of their homes and forced them to even sometimes sell their property.

A constituent recently shared that, when he bought his home, his father-in-law patted him on the back and told him he had done a great job, but last year he had to sell that home where he had raised his three children because he could no longer afford it.

Not only did my constituent have to move, but he had to sell his home for less than it was worth. He drew a direct link to the 2017 tax bill's SALT deduction cap.

This constituent is not alone. A Moody's economist found that the SALT cap has taken a trillion-dollar hit to home values. And nowhere is that felt more than in my district.

Mr. Speaker, Essex County is the most impacted county in the entire country, with an average 11.3 percent drop in home values. But counties in Texas, New York, Illinois, and Connecticut all rank in the top 30.

Homeownership is the pillar of the American Dream. The Federal Government should not be putting up barriers to owning a home. We need to get rid of this SALT cap and stop punishing homeowners.

□ 1215

#### PROVIDING FOR CONSIDERATION OF H.R. 729, TRIBAL COASTAL RESILIENCY ACT

Mr. MORELLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 748 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 748

*Resolved*, That any time after adoption of this resolution the Speaker may, 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. 729) to amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives, 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 amendments specified in this section and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-40 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived.

SEC. 2. (a) No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(b) Each further amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(c) All points of order against the further amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Natural Resources or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such further 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.

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

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

#### GENERAL LEAVE

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

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

There was no objection.

Mr. MORELLE. Mr. Speaker, on Monday, the Rules Committee met and reported a rule, House Resolution 748, providing for consideration of H.R. 729, the Coastal and Great Lakes Communities Enhancement Act, under a structured rule.

This rule provides 1 hour of debate equally divided and controlled by the chair and ranking member of the Committee on Natural Resources.

The rule makes in order 29 amendments and provides en bloc authority.

Finally, the rule provides one motion to recommit.

Mr. Speaker, the Coastal and Great Lakes Communities Enhancement Act brings together ten meaningful and bipartisan bills that have comprehensive and necessary benefits for the American people, and I am proud to add my voice in support of this much needed legislation.

Increased climate instability is an undeniable reality. All around us, we see spikes in severe weather patterns, rising sea levels, and destroyed ecosystems.

As natural disasters increase in frequency and devastation, our communities pay the price through destroyed infrastructure, economic instability, and even loss of life.

Coastal communities in particular are experiencing intense climate impacts, including severe weather events, sea level rise, chronic flooding, coastal erosion, and changing oceanic conditions.

Coastal communities and economies need to adapt for climate change.

My own district knows all too well the devastation that flood waters can cause, as many of my neighbors are still rebuilding from the severe flooding that we experienced in 2017 and again just this past spring.

Within 100 miles of shoreline that fronts directly on Lake Ontario or nearby bays, rivers, and streams, my district is directly impacted by lake fluctuations, and we are experiencing unprecedented flood waters that erode beaches, devastate family homes, and cripple lakeside businesses.

As a Member of this Congress, I know I am not alone in worrying about whether my constituents are adequately prepared for the next natural disaster, which is not a matter of if, but when.

So many of us in this body, in fact most of us, have communities that are struggling to deal with climate impacts. Whether it is wildfires, flooding, hurricanes, droughts, red tide in our oceans, harmful blue-green algae in our lakes, the list seems to never end, but one thing is clear: the situation is not going to get better on its own. We need to act now.

H.R. 729 is an opportunity to help our constituents prepare and adapt to our climate crisis. This coastal resiliency legislative package not only tells the American people that we care about preserving coastal communities and natural habitat, but proves we are willing to take the necessary actions to protect coastal ecosystems and local economies.

The bill also sets in place mechanisms to improve ocean monitoring and research and provides necessary tools and resources for coastal communities to protect themselves from climate impacts.

It is critical that we support proactive initiatives to prepare for and respond to our climate crisis, and this legislation takes those necessary steps.

Mr. Speaker, I am proud to speak in support of this significant piece of legislation, and I urge all my colleagues to join me in supporting its passage.

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

Mrs. LESKO. Mr. Speaker, I thank Representative MORELLE for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, this week, Democrats have scheduled a series of bills on the House floor in the name of combating climate change that are actually re-treads of the programs that are already authorized and actions that are already being taken by the Federal Government.

H.R. 729 is clear proof that the Democrats have no agency and have no priorities other than to impeach the President of the United States.

Most of the bills included in this package duplicate existing authority that the National Oceanic and Atmospheric Administration and the U.S. Fish & Wildlife already have. Most authorizations of appropriations in the bill package are, therefore, unnecessary and are higher than current levels being spent.

NOAA, the agency that would be responsible for carrying out most of this legislation, stated in testimony that it can do and is doing most all of these functions under current law.

This package also creates a precedent of having a city, Washington, D.C., and a non-coastal one at that, as participating in the Coastal Zone Management Act. There is a real threat that

this would give D.C. veto power over Federal actions affecting its coastal zone once it develops an approved coastal zone management program.

The loan guarantee program under the Working Waterfront program, section 104, is problematic, because the American taxpayer will be on the hook for any default.

The National Sea Grant program is popular amongst coastal members, but the bill makes mandatory a fellowship program that provides free graduate students to congressional offices at taxpayer expense.

Mr. Speaker, I have concerns about the bills included in this package. For example, this land package addresses changes to the Coastal Zone Management Act. The act signed by President Nixon into law in 1972 provides Federal funds to States to develop plans to preserve, protect, and develop the resources of our Nation's coastal zones.

This bill that we are debating today contains text from H.R. 2185, which would allow Washington, D.C., to receive Federal funding to develop and implement a coastal zone management plan of their own.

This is an odd way to appropriate Federal funds, as the District of Columbia does not have a coast. Rather, Washington, D.C., borders the Potomac River, which eventually feeds into the Chesapeake Bay, which merges into the Atlantic Ocean.

The inclusion of Washington, D.C., in the Coastal Zone Management Act would no doubt reduce the funding for existing participants. It also raises the question of whether States that contain rivers that lead into the ocean, such as Arkansas with the Mississippi River or my home State of Arizona with the Colorado River, should get Federal funding to create a coastal management plan.

This is a dangerous precedent to create and a poor use of precious resources.

This package also authorizes funds to the National Oceanic and Atmospheric Administration to perform tasks that they already do. For example, this package contains text from H.R. 2189, which would authorize NOAA to conduct the Digital Coast program. This program supplies coastal communities and researchers with up-to-date mapping information to address coastal issues, such as storm preparation, flood management, ecosystem restoration, and coastal development.

It should be noted that NOAA has already been conducting this program under the line item of Ocean and Coastal Management and Services since 2007. In other words, this bill would require Federal agencies to carry out duties that they have already been doing.

Like I said earlier, this is really not a great use of the public's time on the House floor.

Another example of this package directing Federal agencies to perform tasks that they have already been doing can be seen in the text that is

drawn from H.R. 3541. This legislation would establish a coastal climate change adaption preparedness and response program to assist States in developing plans to minimize negative consequences of climate change and implementation of those plans. NOAA, through the Coastal Zone Management Act, already funds State programs relating to climate change and has already been providing assistance to States that H.R. 3541 wants the agency to do.

H.R. 2189 and H.R. 3541 are just two of many examples in this bill that duplicate existing authority that the National Oceanic and Atmospheric Administration already has under the Coastal Zone Management Act.

Further, the cost of this land package to the American taxpayer is immense. According to the nonpartisan Congressional Budget Office, the cumulative cost of this package would cost as much as \$1.4 billion more than what is already being spent over the authorized periods.

Even worse, these bills have the potential for an additional cost of \$292 million outside of the bill's authorized windows if certain conditions are met.

With over \$22 trillion in debt, we should not be moving bills that are duplicative, repetitive, and unnecessarily expensive.

□ 1230

We need to be responsible with the hardworking taxpayers' money.

Why can't we discuss land packages that have more bipartisan support and do not cost a fortune to the taxpayer?

Back in February 2019, we all voted on S. 47, the John D. Dingell, Jr. Conservation, Management, and Recreation Act. The bill received overwhelming support from Republicans and Democrats in both Chambers and was signed into law by President Trump. This bipartisan legislation permanently reauthorized the Land and Water Conservation Fund and protected hunting and fishing rights while also reforming various aspects of the Federal lands governance system.

The CBO estimated that S. 47 would decrease direct Federal spending by \$9 million over a 10-year period. I believe that effectively balancing conservation practices, resource development, and recreation, along with saving taxpayer dollars, is very important.

This land package that we are currently debating today does not even come close to the success that this House had experienced with S. 47.

Ultimately, this package highlights the real opportunity cost of impeachment. The Democrats have rallied and promised real, sweeping policies to address what they call the climate crisis. However, they have been so consumed with attacking our President and with impeachment that they have nothing to show for it.

This bill is nothing more than an attempt by the majority to portray themselves as doing something, any-

thing, for the American people, when, in fact, this bill underscores the truth: They have and are doing nothing.

Mr. Speaker, I urge opposition to the rule, and I reserve the balance of my time.

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

Mr. Speaker, I want to thank my colleague and friend. We serve on the Rules Committee together, and I always appreciate hearing her thoughts. But I do want to make a couple of points that I think bear being said.

This is not a duplicative effort, and the need does exist. For instance, while NOAA may have the flexibility to create a program like the working waterfronts program, they are not currently supporting working waterfronts in the way that the bill envisions and continue to propose the elimination of coastal zone management grants.

The amount of need for coastal zone management grants far exceeds the amount made available for grants each year, so this bill would direct NOAA to create a grant program and a loan program to support working waterfront activities and would also authorize extra funding to make that happen.

Also, I wanted to make a point as it relates to the District of Columbia, which sits at the confluence of the Potomac and the Anacostia Rivers and lies mostly in the coastal plain. It is also bordered by the coastal States of Virginia and Maryland, whose adjoining waterways are included in their States' coastal zones. The shorelines of Arlington and Alexandria, Virginia, and Prince George's County, Maryland, are included in their States' coastal zones programs.

To clarify, the Virginia side of the Potomac is eligible, while the District of Columbia side is not. Inclusion of the District of Columbia would simply connect this gap and subject it to submission and approval of the coastal zone management plan. Coastal floods do not recognize State borders, and the District of Columbia is at risk of continued and increasing flooding.

Since 1950, NOAA reports a 343 percent increase in nuisance flooding in the District of Columbia, and a single 100-year flood event could cost over \$1.2 billion in damages, including damages to Federal property.

I also want to note that in addition to consolidating 10 bipartisan bills, the legislation also includes a range of bipartisan amendments. I am proud that my own amendment will be included. It ensures 5 percent of funds for the working waterfronts grant program will be used for technical assistance, and this will help States and local governments with early-stage resources, planning assistance, and additional expertise.

Additionally, I would like to highlight two other amendments led by my friend and colleague Representative JOHN KATKO, who represents Syracuse, New York, just to the east of my district. Both of those amendments I am pleased to cosponsor.

These amendments make meaningful improvements that will advance research on harmful algal bloom development and open opportunities to assess the impact of water level regulating practices on the Great Lakes.

These amendments further demonstrate the bipartisan work that went into this legislative package, and I thank my colleagues on the other side who contributed to this bill.

Policy is always better when we work together, and I look forward to ensuring our constituents get access to the key provisions included in this bill. I reserve the balance of my time.

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

Mr. Speaker, with all due respect to my friend Mr. MORELLE, Washington, D.C., does not have a beach on the ocean. Virginia does.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to consider H. Res. 750, which expresses the sense of the House that it is the duty of the Federal Government to protect and promote individual choice and health insurance for the American people and prevent any Medicare for All proposal that would outlaw private health insurance plans, such as employer-based coverage and Medicare Advantage plans.

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 Arizona?

There was no objection.

Mrs. LESKO. Mr. Speaker, I hear from my constituents regularly—and I have a lot of senior citizens—that they are afraid of a Medicare for All approach.

They understand that a one-size-fits-all, government-run healthcare system will not work. That is because whether it is called a single-payer system or a socialist system, Medicare for All constitutes a complete government takeover of healthcare in America.

Medicare for All will end, eliminate, private health insurance plans. It will eliminate the current Medicare. It will eliminate all Medicare Advantage plans like my mother is on, and replace it, instead, with a one-size-fits-all, government-controlled healthcare plan. Just like ObamaCare, even if you like your plan, you will not be able to keep it.

Passage of Medicare for All would push over 150 million Americans off their health insurance plans and into government health insurance plans.

Further, while no version of Medicare for All has yet received a budget score, Senator BERNIE SANDERS' version of Medicare for All did receive estimated scores from two outside groups.

In 2016, the Urban Institute calculated that Senator SANDERS' healthcare proposals would increase Federal funding by a whopping \$32.6



trillion over 10 years. Separately, in June 2018, the Mercatus Center estimated that Medicare for All would increase Federal spending by \$32 trillion over 10 years.

Our national debt is a national security crisis, and we must work together to combat it, not increase costs.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BURGESS), my good friend.

Mr. BURGESS. Mr. Speaker, H. Res. 750 expresses the sense of Congress that individual choice in health insurance should be protected. Almost 160 million Americans under 65 years of age are enrolled in employer-sponsored health insurance, and another 14 million Americans under 65 have purchased their own private health insurance.

Additionally, an increasing number of Americans are taking advantage of the robust choices in Medicare Advantage plans. According to the Congressional Budget Office, the number of individuals with employer-sponsored insurance has increased by 3 million since President Trump took office, largely an effect of our great economy.

Right now, the Energy and Commerce Committee is holding a hearing on one-size-fits-all healthcare. Being discussed are nine bills that serve to lay the groundwork toward socialized medicine in the United States.

I fear that if House Democrats declare this their north star, as they did in the hearing today, it abandons the health insurance options that Americans have said are working for them.

Medicare for All would eliminate private insurance, eliminate employer-sponsored health insurance, eliminate Medicaid, and eliminate the Children's Health Insurance Program, upon which many Americans depend. I am concerned about the consequences for existing Medicare beneficiaries, as this policy would more rapidly deplete the Medicare trust fund, which is already slated to be insolvent in 2026.

The practical effect of that is no doctor, no hospital, could be reimbursed by Medicare under law once that trust fund is exhausted.

Our Nation's seniors depend on the existence of Medicare for their health needs in retirement. More than 70 percent of Americans are satisfied with their employer-sponsored health insurance. It provides robust protections for all individuals, and since 1996, it has provided protections for preexisting conditions.

This is why it is so important that we protect individuals' employer-sponsored insurance for the majority of Americans who would like to keep it. According to one study by America's health insurance plans, consumers prefer greater market competition rather than greater government involvement.

Medicare for All is a complete government takeover of the healthcare industry. This same study found that consumer satisfaction is driven by comprehensive coverage, affordability, and choice. A one-size-fits-all health

program results in no choice for Americans.

Consumers value discounts for good health, flexible spending accounts, and health savings account programs that would all but disappear in a Medicare for All world.

The New York Times reported rural hospitals are saying that they would virtually close overnight, while others have said they would try to offset the steep cuts by laying off hundreds of thousands of workers and abandoning lower paying services, such as services for mental health.

Other countries with socialized medicine have seen increased wait times. In Canada, the wait time for a specialist consultation is over 9 weeks. Americans deserve to have better access to healthcare than the long waiting lists and lower quality care found in other nations.

Single-payer healthcare would be another failed attempt at a one-size-fits-all approach to healthcare. Single-payer is not one size fits all. It is one size fits no one. It is critical that this Congress maintain access to healthcare choices and build upon what is working in our healthcare system.

I urge my fellow Members to vote "no" on the previous question so that we can support H. Res. 750.

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

Mr. Speaker, I urge a "yes" vote on the previous question and to move on to a vote on the rule.

Even if the previous question was defeated, the amendment would not be able to move as the gentlewoman suggests. The amendment is not germane to the bill on natural resources.

Obviously, this is an attempt to obscure what we are attempting to do, which is, we can either help coastal communities plan and prosper for a resilient future, or we can continue to delay and pay.

Forty-two percent of Americans live in coastal communities. Working waterfronts employ more than 2 million people. Great Lakes fisheries alone support more than 75,000 jobs, and healthy fish habitats support a recreational fishing industry that provides more than 800,000 jobs to American citizens.

Coastal communities around the country are experiencing intense climate impacts, including severe weather events, sea level rise, chronic flooding, coastal erosion, and changing ocean conditions.

Coastal communities and economies need to adapt for climate change, and H.R. 729 will help communities do just that.

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

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

Mr. Speaker, I have no more speakers. However, I do want to say that I believe that the amendment, if the previous question is defeated, is germane because it applies to the rule and not to the bill itself.

In closing, I want to emphasize to my friends across the aisle that we should be bringing legislation to this floor that showcases how we can work together. However, this package ultimately highlights the real opportunity cost of impeachment.

The Democrats have rallied for months now and promised real, sweeping policies to address what they call the climate crisis. However, they have been so consumed with attacking our President and impeachment that they have nothing to show for it. In an attempt to satisfy their base that they are doing something about climate change, they are, instead, in this package, just repeating things already being done, but it is at a higher cost.

Mr. Speaker, I urge "no" on the previous question and "no" on the underlying measure, and I yield back the balance of my time.

□ 1245

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

Mr. Speaker, the next devastating flood or natural disaster is not if, but when, and we have a choice to make here today: We can either help our communities prepare and prosper for years to come or continue to drag our feet and face the dire consequences.

We owe it to ourselves, to our constituents, and to future generations to get this right, and I, personally, want to be on the right side of history when we look back on this climate crisis. The work we are doing here is not duplicative or onerous; it is smart, meaningful, and bipartisan, and I look forward to its passage.

I would like to thank all my colleagues for their support of H.R. 729, the Coastal and Great Lakes Communities Enhancement Act.

I especially would like to thank Chairman GRIJALVA for his leadership and the commitment of his committee on this effort.

I applaud and thank the sponsor, Mr. KILMER, for his leadership on this important legislation and Chairman MCGOVERN for his work to move this legislation to the floor.

Mr. Speaker, I urge a "yes" vote on the rule and a "yes" vote on the previous question.

The material previously referred to by Mrs. LESKO is as follows:

#### AMENDMENT TO HOUSE RESOLUTION 748

At the end of the resolution, add the following:

SEC. 5. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the resolution (H. Res. 750) expressing the sense of the House of Representatives that individual choice in health insurance should be protected. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 750.

Mr. MORELLE. 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.

Mrs. LESKO. 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.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORELLE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

#### TELEVISION VIEWER PROTECTION ACT OF 2019

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5035) to amend the Communications Act of 1934 to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5035

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

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Television Viewer Protection Act of 2019".*

##### SEC. 2. EXTENSION OF AUTHORITY.

Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking "December 31, 2019" and inserting "the expiration date, if any, described in section 119(h) of title 17, United States Code"; and

(2) in paragraph (3)(C), by striking "until January 1, 2020," each place it appears.

##### SEC. 3. SATISFACTION OF GOOD FAITH NEGOTIATION REQUIREMENT BY MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS.

(a) SATISFACTION OF GOOD FAITH NEGOTIATION REQUIREMENT.—Section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is amended—

(1) in clause (iv), by striking "and" and inserting a semicolon;

(2) in clause (v), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(vi) not later than 90 days after the date of the enactment of the Television Viewer Protection Act of 2019, specify that—

"(I) a multichannel video programming distributor may satisfy its obligation to negotiate in good faith under clause (iii) with respect to a negotiation for retransmission consent under

this section with a large station group by designating a qualified MVPD buying group to negotiate on its behalf, so long as the qualified MVPD buying group itself negotiates in good faith in accordance with such clause;

"(II) it is a violation of the obligation to negotiate in good faith under clause (iii) for the qualified MVPD buying group to disclose the prices, terms, or conditions of an ongoing negotiation or the final terms of a negotiation to a member of the qualified MVPD buying group that is not intending, or is unlikely, to enter into the final terms negotiated by the qualified MVPD buying group; and

"(III) a large station group has an obligation to negotiate in good faith under clause (ii) with respect to a negotiation for retransmission consent under this section with a qualified MVPD buying group."

(b) DEFINITIONS.—Section 325(b)(7) of the Communications Act of 1934 (47 U.S.C. 325(b)(7)) is amended—

(1) in subparagraph (A), by striking "and" and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) 'qualified MVPD buying group' means an entity that, with respect to a negotiation with a large station group for retransmission consent under this section—

"(i) negotiates on behalf of two or more multichannel video programming distributors—

"(I) none of which is a multichannel video programming distributor that serves more than 500,000 subscribers nationally; and

"(II) that do not collectively serve more than 25 percent of all households served by a multichannel video programming distributor in any single local market in which the applicable large station group operates; and

"(ii) negotiates agreements for such retransmission consent—

"(I) that contain standardized contract provisions, including billing structures and technical quality standards, for each multichannel video programming distributor on behalf of which the entity negotiates; and

"(II) under which the entity assumes liability to remit to the applicable large station group all fees received from the multichannel video programming distributors on behalf of which the entity negotiates;

"(D) 'large station group' means a group of television broadcast stations that—

"(i) are directly or indirectly under common de jure control permitted by the regulations of the Commission;

"(ii) generally negotiate agreements for retransmission consent under this section as a single entity; and

"(iii) include only television broadcast stations that have a national audience reach of more than 20 percent;

"(E) 'local market' has the meaning given such term in section 122(j) of title 17, United States Code; and

"(F) 'multichannel video programming distributor' has the meaning given such term in section 602."

(c) CONFORMING AMENDMENTS.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "1992,"; and

(B) by striking "and the term 'local market' has the meaning given that term in section 122(j) of such title"; and

(2) in paragraph (3)(C), by striking "(as defined in section 122(j) of title 17, United States Code)" each place it appears.

(d) EFFECTIVE DATE.—The amendments made by this section, and the regulations promulgated by the Federal Communications Commission under such amendments, shall not take effect before January 1 of the calendar year after the calendar year in which this Act is enacted.

#### SEC. 4. REQUIREMENTS RELATING TO CHARGES FOR COVERED SERVICES.

(a) IN GENERAL.—Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 551 et seq.) is amended by adding at the end the following:

##### "SEC. 642. REQUIREMENTS RELATING TO CHARGES FOR COVERED SERVICES.

"(a) CONSUMER RIGHTS IN SALES.—

"(1) RIGHT TO TRANSPARENCY.—Before entering into a contract with a consumer for the provision of a covered service, a provider of a covered service shall provide the consumer, by phone, in person, online, or by other reasonable means, the total monthly charge for the covered service, whether offered individually or as part of a bundled service, selected by the consumer (explicitly noting the amount of any applicable promotional discount reflected in such charge and when such discount will expire), including any related administrative fees, equipment fees, or other charges, a good faith estimate of any tax, fee, or charge imposed by the Federal Government or a State or local government (whether imposed on the provider or imposed on the consumer but collected by the provider), and a good faith estimate of any fee or charge that is used to recover any other assessment imposed on the provider by the Federal Government or a State or local government.

"(2) RIGHT TO FORMAL NOTICE.—A provider of a covered service that enters into a contract described in paragraph (1) shall, not later than 24 hours after entering into the contract, send the consumer, by email, online link, or other reasonably comparable means, a copy of the information described in such paragraph.

"(3) RIGHT TO CANCEL.—A provider of a covered service that enters into a contract described in paragraph (1) shall permit the consumer to cancel the contract, without paying early cancellation fees or other disconnection fees or penalties, during the 24-hour period beginning when the provider of the covered service sends the copy required by paragraph (2).

"(b) CONSUMER RIGHTS IN E-BILLING.—If a provider of a covered service provides a bill to a consumer in an electronic format, the provider shall include in the bill—

"(1) an itemized statement that breaks down the total amount charged for or relating to the provision of the covered service by the amount charged for the provision of the service itself and the amount of all related taxes, administrative fees, equipment fees, or other charges;

"(2) the termination date of the contract for the provision of the covered service entered into between the consumer and the provider; and

"(3) the termination date of any applicable promotional discount.

"(c) CONSUMER RIGHTS TO ACCURATE EQUIPMENT CHARGES.—A provider of a covered service or fixed broadband internet access service may not charge a consumer for—

"(1) using covered equipment provided by the consumer; or

"(2) renting, leasing, or otherwise providing to the consumer covered equipment if—

"(A) the provider has not provided the equipment to the consumer; or

"(B) the consumer has returned the equipment to the provider, except to the extent that the charge relates to the period beginning on the date when the provider provided the equipment to the consumer and ending on the date when the consumer returned the equipment to the provider.

"(d) DEFINITIONS.—In this section:

"(1) BROADBAND INTERNET ACCESS SERVICE.—The term 'broadband internet access service' has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

"(2) COVERED EQUIPMENT.—The term 'covered equipment' means equipment (such as a router) employed on the premises of a person (other than a provider of a covered service or fixed broadband internet access service) to provide a



covered service or to provide fixed broadband internet access service.

“(3) COVERED SERVICE.—The term ‘covered service’ means service provided by a multi-channel video programming distributor, to the extent such distributor is acting as a multi-channel video programming distributor.”.

(b) EFFECTIVE DATE.—Section 642 of the Communications Act of 1934, as added by subsection (a) of this section, shall apply beginning on the date that is 6 months after the date of the enactment of this Act. The Federal Communications Commission may grant an additional 6-month extension if the Commission finds that good cause exists for such an additional extension.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) and the gentleman from Oregon (Mr. WALDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5035.

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

There was no objection.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Television Viewer Protection Act will help ensure that millions of Americans, including nearly 1 million satellite television customers, will not lose access to broadcast television content.

It is important we get this legislation passed and to the President's desk before the end of the year. I urge our colleagues in the Senate to take this bill up and move it through their Chamber as quickly as possible.

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

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

Mr. Speaker, I, too, rise in support of H.R. 5035, the Television Viewer Protection Act, and I commend my colleagues on the other side of the aisle for the bipartisan work we have done on this measure.

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

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I urge all our colleagues to support this very important bill. I thank my friend for his cooperation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) that the House suspend the rules and pass the bill, H.R. 5035, as amended.

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

A motion to reconsider was laid on the table.

#### RECESS

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

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess.

□ 1259

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BUTTERFIELD) at 12 o'clock and 59 minutes p.m.

#### FOSTERING UNDERGRADUATE TALENT BY UNLOCKING RESOURCES FOR EDUCATION ACT

Ms. ADAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5363), to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5363

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

#### SECTION 1. SHORT TITLE; REFERENCES.

This Act may be cited as the “Fostering Undergraduate Talent by Unlocking Resources for Education Act” or the “FUTURE Act”.

#### SEC. 2. CONTINUED SUPPORT FOR MINORITY-SERVING INSTITUTIONS.

Section 371(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(1)(A)) is amended by striking “for each of the fiscal years 2008 through 2019.” and all that follows through the end of the subparagraph and inserting “for fiscal year 2020 and each fiscal year thereafter.”.

#### SEC. 3. SECURE DISCLOSURE OF TAX-RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.

(a) IN GENERAL.—Paragraph (13) of section 6103(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(13) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.—

“(A) APPLICATIONS AND RECERTIFICATIONS FOR INCOME-CONTINGENT OR INCOME-BASED REPAYMENT.—The Secretary shall, upon written request from the Secretary of Education, disclose to any authorized person, only for the purpose of (and to the extent necessary in) determining eligibility for, or repayment obligations under, income-contingent or income-based repayment plans under title IV of the Higher Education Act of 1965 with respect to loans under part D of such title, the following return information from returns (for any taxable year specified by the Secretary of Education as relevant to such purpose) of an individual certified by the Secretary of Education as having provided approval under section 494(a)(2) of such Act (as in effect on the date of enactment of this paragraph) for such disclosure:

“(i) Taxpayer identity information.

“(ii) Filing status.

“(iii) Adjusted gross income.

“(iv) Total number of exemptions claimed, if applicable.

“(v) Number of dependents taken into account in determining the credit allowed under section 24.

“(vi) If applicable, the fact that there was no return filed.

“(B) DISCHARGE OF LOAN BASED ON TOTAL AND PERMANENT DISABILITY.—The Secretary shall, upon written request from the Secretary of Education, disclose to any authorized person, only for the purpose of (and to the extent necessary in) monitoring and reinstating loans under title IV of the Higher Education Act of 1965 that were discharged based on a total and permanent disability (within the meaning of section 437(a) of such Act), the following return information from returns (for any taxable year specified by the Secretary of Education as relevant to such purpose) of an individual certified by the Secretary of Education as having provided approval under section 494(a)(3) of such Act (as in effect on the date of enactment of this paragraph) for such disclosure:

“(i) The return information described in clauses (i), (ii), and (vi) of subparagraph (A).

“(ii) The return information described in subparagraph (C)(ii).

“(C) FEDERAL STUDENT FINANCIAL AID.—The Secretary shall, upon written request from the Secretary of Education, disclose to any authorized person, only for the purpose of (and to the extent necessary in) determining eligibility for, and amount of, Federal student financial aid under a program authorized under subpart 1 of part A, part C, or part D of title IV of the Higher Education Act of 1965 the following return information from returns (for the taxable year used for purposes of section 480(a) of such Act) of an individual certified by the Secretary of Education as having provided approval under section 494(a)(1) of such Act (as in effect on the date of enactment of this paragraph) for such disclosure:

“(i) Return information described in clauses (i) through (vi) of subparagraph (A).

“(ii) The amount of any net earnings from self-employment (as defined in section 1402(a)), wages (as defined in section 3121(a) or 3401(a)), and taxable income from a farming business (as defined in section 236A(e)(4)).

“(iii) Amount of total income tax.

“(iv) Amount of any credit allowed under section 25A.

“(v) Amount of individual retirement account distributions not included in adjusted gross income.

“(vi) Amount of individual retirement account contributions and payments to self-employed SEP, Keogh, and other qualified plans which were deducted from income.

“(vii) Amount of tax-exempt interest received.

“(viii) Amounts from retirement pensions and annuities not included in adjusted gross income.

“(ix) If applicable, the fact that any of the following schedules (or equivalent successor schedules) were filed with the return:

“(I) Schedule A.

“(II) Schedule B.

“(III) Schedule D.

“(IV) Schedule E.

“(V) Schedule F.

“(VI) Schedule H.

“(x) If applicable, the amount reported on Schedule C (or an equivalent successor schedule) as net profit or loss.

“(D) ADDITIONAL USES OF DISCLOSED INFORMATION.—

“(i) IN GENERAL.—In addition to the purposes for which information is disclosed under subparagraphs (A), (B), and (C), return information so disclosed may be used by an authorized person, with respect to income-contingent or income-based repayment plans, awards of Federal student financial aid under a program authorized under subpart 1 of part A, part C, or part D of title IV

of the Higher Education Act of 1965, and discharges of loans based on a total and permanent disability (within the meaning of section 437(a) of such Act), for purposes of—

“(I) reducing the net cost of improper payments under such plans, relating to such awards, or relating to such discharges,

“(II) oversight activities by the Office of Inspector General of the Department of Education as authorized by the Inspector General Act of 1978, and

“(III) conducting analyses and forecasts for estimating costs related to such plans, awards, or discharges.

“(ii) LIMITATION.—The purposes described in clause (i) shall not include the conduct of criminal investigations or prosecutions.

“(iii) REDISCLOSURE TO INSTITUTIONS OF HIGHER EDUCATION, STATE HIGHER EDUCATION AGENCIES, AND DESIGNATED SCHOLARSHIP ORGANIZATIONS.—Authorized persons may redisclose return information received under subparagraph (C), solely for the use in the application, award, and administration of financial aid awarded by the Federal government or awarded by a person described in subclause (I), (II), or (III), to the following persons:

“(I) An institution of higher education participating in a program under subpart 1 of part A, part C, or part D of title IV of the Higher Education Act of 1965.

“(II) A State higher education agency.

“(III) A scholarship organization which is an entity designated (prior to the date of the enactment of this clause) by the Secretary of Education under section 483(a)(3)(E) of such Act.

This clause shall only apply to the extent that the taxpayer with respect to whom the return information relates provides written consent for such redisclosure to the Secretary of Education.

“(E) AUTHORIZED PERSON.—For purposes of this paragraph, the term ‘authorized person’ means, with respect to information disclosed under subparagraph (A), (B), or (C), any person who—

“(i) is an officer, employee, or contractor, of the Department of Education, and

“(ii) is specifically authorized and designated by the Secretary of Education for purposes of such subparagraph (applied separately with respect to each such subparagraph).

“(F) JOINT RETURNS.—In the case of a joint return, any disclosure authorized under subparagraph (A), (B), or (C) with respect to an individual shall be treated for purposes of this paragraph as applying with respect to the taxpayer.”.

(b) CONFIDENTIALITY OF RETURN INFORMATION.—Section 6103(a)(3) of such Code is amended by inserting “, (13)” after “(12)”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(p)(3)(A) of such Code is amended by striking “(13)”.

(2) Section 6103(p)(4) of such Code is amended by inserting “, (13)” after “(1)(10)” each place it appears.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

(e) REQUIREMENT TO DESIGNATE THE INSPECTOR GENERAL OF THE DEPARTMENT OF EDUCATION AS AN AUTHORIZED PERSON.—The Secretary of Education shall authorize and designate the Inspector General of the Department of Education as an authorized person under subparagraph (E)(ii) of section 6103(l)(13) of the Internal Revenue Code of 1986 for purposes of subparagraphs (A), (B), and (C) of such section.

(f) REPORT TO TREASURY.—The Secretary of Education shall annually submit a written report to the Secretary of the Treasury—

(1) regarding redisclosures of return information under subparagraph (D)(iii) of section 6103(l)(13) of the Internal Revenue Code of 1986, including the number of such redisclosures, and

(2) regarding any unauthorized use, access, or disclosure of return information disclosed under such section.

(g) REPORT TO CONGRESS.—The Secretary of the Treasury (or the Secretary’s designee) shall annually submit a written report to Congress regarding disclosures under section 6103(l)(13) of the Internal Revenue Code of 1986, including information provided to the Secretary under subsection (f).

#### SEC. 4. AUTOMATIC RECERTIFICATION OF INCOME.

(a) INCOME-CONTINGENT REPAYMENT.—

(1) IN GENERAL.—Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

“(8) AUTOMATIC RECERTIFICATION.—

“(A) IN GENERAL.—The Secretary shall establish and implement, with respect to any borrower described in subparagraph (B), procedures to—

“(i) use return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986, pursuant to approval provided under section 494, to determine the repayment obligation of the borrower without further action by the borrower;

“(ii) allow the borrower (or the spouse of the borrower), at any time, to opt out of disclosure under such section 6103(l)(13) and instead provide such information as the Secretary may require to determine the repayment obligation of the borrower (or withdraw from the repayment plan under this subsection); and

“(iii) provide the borrower with an opportunity to update the return information so disclosed before the determination of the repayment obligation of the borrower.

“(B) APPLICABILITY.—Subparagraph (A) shall apply to each borrower of a loan made under this part who, on or after the date on which the Secretary establishes procedures under such subparagraph—

“(i) selects, or is required to repay such loan pursuant to, an income-contingent repayment plan; or

“(ii) recertifies income or family size under such plan.”.

(2) CONFORMING AMENDMENT.—Section 455(e)(6) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)(6)) is amended—

(A) by striking “including notification of such borrower” and all that follows through “that if a borrower” and inserting “including notification of such borrower, that if a borrower”; and

(B) by striking “as determined using the information described in subparagraph (A), or the alternative documentation described in paragraph (3)”.

(b) INCOME-BASED REPAYMENT.—Section 493C(c) of the Higher Education Act of 1965 (20 U.S.C. 1098e(c)) is amended—

(1) by striking “The Secretary shall establish” and inserting the following:

“(1) IN GENERAL.—The Secretary shall establish”; and

(2) by striking “The Secretary shall consider” and inserting the following:

“(2) PROCEDURES FOR ELIGIBILITY.—The Secretary shall—

“(A) consider”; and

(3) by striking “428C(b)(1)(E).” and inserting the following: “428C(b)(1)(E); and

“(B) carry out, with respect to borrowers of any loan made under part D (other than an excepted PLUS loan or excepted consolidation loan), procedures for income-based repayment plans that are equivalent to the procedures carried out under section 455(e)(8) with respect to income-contingent repayment plans.”.

#### SEC. 5. AUTOMATIC INCOME MONITORING PROCEDURES AFTER A TOTAL AND PERMANENT DISABILITY DISCHARGE.

Section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)) is amended by adding at the end the following:

“(3) AUTOMATIC INCOME MONITORING.—

“(A) IN GENERAL.—The Secretary shall establish and implement, with respect to any borrower described in subparagraph (B), procedures to—

“(i) use return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986, pursuant to approval provided under section 494, to determine the borrower’s continued eligibility for the loan discharge described in subparagraph (B);

“(ii) allow the borrower, at any time, to opt out of disclosure under such section 6103(l)(13) and instead provide such information as the Secretary may require to determine the borrower’s continued eligibility for such loan discharge; and

“(iii) provide the borrower with an opportunity to update the return information so disclosed before determination of such borrower’s continued eligibility for such loan discharge.

“(B) APPLICABILITY.—Subparagraph (A) shall apply—

“(i) to each borrower of a loan that is discharged due to the total and permanent disability (within the meaning of this subsection) of the borrower; and

“(ii) during the period beginning on the date on which such loan is so discharged and ending on the first day on which such loan may no longer be reinstated.”.

#### SEC. 6. PROCEDURE AND REQUIREMENTS FOR REQUESTING TAX RETURN INFORMATION FROM THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

##### “SEC. 494. PROCEDURE AND REQUIREMENTS FOR REQUESTING TAX RETURN INFORMATION FROM THE INTERNAL REVENUE SERVICE.

“(a) NOTIFICATION AND APPROVAL REQUIREMENTS.—

“(1) FEDERAL STUDENT FINANCIAL AID.—In the case of any written or electronic application under section 483 by an individual for Federal student financial aid under a program authorized under subpart 1 of part A, part C, or part D, the Secretary, with respect to such individual and any parent or spouse whose financial information is required to be provided on such application, shall—

“(A) notify such individuals that—

“(i) if such individuals provide approval under subparagraph (B), the Secretary will have the authority to request that the Secretary of the Treasury disclose return information of such individuals to authorized persons (as defined in section 6103(l)(13) of the Internal Revenue Code of 1986) for the relevant purposes described in such section; and

“(ii) the failure to provide such approval for such disclosure will result in the Secretary being unable to calculate eligibility for such aid to such individual; and

“(B) require, as a condition of eligibility for such aid, that such individuals affirmatively approve the disclosure described in subparagraph (A)(i).

“(2) INCOME-CONTINGENT AND INCOME-BASED REPAYMENT.—

“(A) NEW APPLICANTS.—In the case of any written or electronic application by an individual for an income-contingent or income-based repayment plan for a loan under part D, the Secretary, with respect to such individual and any spouse of such individual, shall—

“(i) provide to such individuals the notification described in paragraph (1)(A)(i);

“(ii) require, as a condition of eligibility for such repayment plan, that such individuals—

“(I) affirmatively approve the disclosure described in paragraph (1)(A)(i) and agree that such approval shall serve as an ongoing approval of such disclosure until the date on which the individual elects to opt out of such disclosure under section 455(e)(8) or the equivalent procedures established under section 493C(c)(2)(B), as applicable; or

“(II) provide such information as the Secretary may require to confirm the eligibility of such individual for such repayment plan.

“(B) RECERTIFICATIONS.—With respect to the first written or electronic recertification (after the date of the enactment of the FUTURE Act) of an individual’s income or family size for purposes of an income-contingent or income-based repayment plan (entered into before the date of the enactment of the FUTURE Act) for a loan under part D, the Secretary, with respect to such individual and any spouse of such individual, shall meet the requirements of clauses (i) and (ii) of subparagraph (A) with respect to such recertification.

“(3) TOTAL AND PERMANENT DISABILITY.—In the case of any written or electronic application by an individual for a discharge of a loan under this title based on total and permanent disability (within the meaning of section 437(a)) that requires income monitoring, the Secretary shall—

“(A) provide to such individual the notification described in paragraph (1)(A)(i); and

“(B) require, as a condition of eligibility for such discharge, that such individual—

“(i) affirmatively approve the disclosure described in paragraph (1)(A)(i) and agree that such approval shall serve as an ongoing approval of such disclosure until the earlier of—

“(I) the date on which the individual elects to opt out of such disclosure under section 437(a)(3)(A); or

“(II) the first day on which such loan may no longer be reinstated; or

“(ii) provide such information as the Secretary may require to confirm the eligibility of such individual for such discharge.

“(b) LIMIT ON AUTHORITY.—The Secretary shall only have authority to request that the Secretary of the Treasury disclose return information under section 6103(1)(13) of the Internal Revenue Code of 1986 with respect to an individual if the Secretary of Education has obtained approval under subsection (a) for such disclosure.”.

(b) CONFORMING AMENDMENT.—Section 484(q) of the Higher Education Act of 1965 (20 U.S.C. 1091(q)) is repealed.

#### SEC. 7. INCREASED FUNDING FOR FEDERAL PELL GRANTS.

Section 401(b)(7)(A)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)) is amended—

(1) in subclause (X), by striking “\$1,430,000,000” and inserting “\$1,455,000,000”; and

(2) in subclause (XI), by striking “\$1,145,000,000” and inserting “\$1,170,000,000”.

#### SEC. 8. REPORTS ON IMPLEMENTATION.

(a) IN GENERAL.—Not later than each specified date, the Secretary of Education and the Secretary of the Treasury shall issue joint reports to the Committees on Health, Education, Labor, and Pensions and Finance of the Senate and the Committees on Education and Labor and Ways and Means of the House of Representatives regarding the amendments made by this Act. Each such report shall include, as applicable—

(1) an update on the status of implementation of the amendments made by this Act;

(2) an evaluation of how such implementation had affected the processing of applica-

tions for Federal student financial aid, applications for income-based repayment and income-contingent repayment, and applications for discharge of loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) based on total and permanent disability; and

(3) implementation issues and suggestions for potential improvements.

(b) SPECIFIED DATE.—For purposes of subsection (a), the term “specified date” means—

(1) the date that is 90 days after the date of the enactment of this Act;

(2) the date that is 120 days after the first day that the disclosure process established under section 6103(1)(13) of the Internal Revenue Code of 1986, as amended by section 3(a) of this Act, is operational and accessible to officers, employees, and contractors of the Department of Education (as specifically authorized and designated by the Secretary of Education); and

(3) the date that is 1 year after the report date described in paragraph (2).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. ADAMS) and the gentleman from South Dakota (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

#### GENERAL LEAVE

Ms. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 5363, the *Fostering Undergraduate Talent by Unlocking Resources for Education*, or FUTURE Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

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

Mr. Speaker, I rise to support H.R. 5363, the *Fostering Undergraduate Talent by Unlocking Resources for Education*, or the FUTURE Act. We can also simply call it FUTURE Act 2.0.

Mr. Speaker, 3 months ago, on September 17, the House of Representatives unanimously passed the first version of the FUTURE Act, H.R. 2486, which would have reauthorized title III, part F of the Higher Education Act for the next 2 years. We acted on that day because this important program, which prepares the 8 million students at our Nation’s minority-serving institutions for careers in STEM, expired on September 30.

Unfortunately, inaction on the part of the Senate left us in a situation where colleges and universities have already had to begin laying off staff, and smaller schools have planned to cut back programmatic offerings to stay afloat.

Fortunately, Congress has shown that we can actually come together and work in a bipartisan, bicameral fashion to make the lives of our citizens better. The agreement reached in H.R. 5363 will not only reauthorize 255 million in mandatory funding for historically Black colleges and universities and all MSIs for 2 years, it will reauthorize this funding permanently.

A permanent reauthorization means that for the rest of time, long after we are all gone, Mr. Speaker, diverse college students can count on a robust investment from their Federal Government. And it was all done because we, as Members, were able to put aside partisanship, come together for the common cause of ensuring a bright and prosperous future for millions of low-income, first-generation college students of color.

Mr. Speaker, the FUTURE Act 2.0 is, once again, responsible legislation that is completely paid for. There are a number of people to thank for getting this bill to the floor today, but I want to particularly recognize the leadership of Chairman NEAL of the Committee on Ways and Means and Representative DELBENE for her partnership. Because of these collaborative efforts, the House today can once again address the number one priority of our minority-serving institutions, which educate nearly 30 percent of all undergraduate students in America.

Mr. Speaker, I include in the RECORD a letter from the American Council on Education and 42 other national organizations in support of the FUTURE Act’s passage today by the House.

AMERICAN COUNCIL ON EDUCATION,

Washington, DC, December 10, 2019.

Representative NANCY PELOSI,

Speaker, House of Representatives,

Washington, DC.

Representative KEVIN MCCARTHY,

Minority Leader, House of Representatives,

Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: On behalf of the organizations listed below, we write to express our strong support for H.R. 5363, the FUTURE Act. This legislation is fully offset and offers practical solutions to critical issues facing students and institutions. H.R. 5363 has strong bipartisan support, which is reflected in the fact that previous iterations of this bill passed the House under suspension in September, and an amended version passed the Senate under unanimous consent last week.

This legislation addresses several important issues. First, it would restore, and make permanent, critical mandatory funding for Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribal Colleges and Universities and other Minority-Serving Institutions that had expired at the end of September, allowing those institutions to strengthen STEM education programs and build institutional capacity to better serve students. It is vital that this funding be restored immediately as campuses are already making decisions regarding staffing, facilities and programming, which are directly influenced by the availability of this support.

Beyond the benefits to historically under-resourced institutions, the FUTURE Act would make significant improvements to the federal student aid system, by simplifying and streamlining the processes for applying for student aid and repaying student loans. This will dramatically simplify the Free Application for Federal Student Aid (FAFSA) and make it far easier for low- and middle-income families to apply for and receive federal student aid. In addition, the changes proposed in the legislation will also make the process of paying for college significantly easier for students and their families. This bill would also strengthen the accuracy and effectiveness of the administration of these programs.

Finally, the bill includes additional funding for the Federal Pell Grant program, which is the cornerstone of federal student aid. These grants enable millions of low-income students to access and afford college, and we appreciate the inclusion of additional support for this valuable program.

For all of these reasons, we urge you, and the Members you represent, to support this legislation when it comes to the floor for a vote today. We appreciate your attention to this important legislation and look forward to working with you to ensure passage into law of the FUTURE Act.

Sincerely,

TED MITCHELL,  
*President.*

On behalf of:

Achieving the Dream, Inc.; ACPA-College Student Educators International; American Association of Colleges of Nursing; American Association of Collegiate Registrars and Admissions Officers; American Association of Community Colleges; American Association of State Colleges and Universities; American Association of University Professors; American Council on Education; American Dental Education Association; American Indian Higher Education Consortium; Association of American Universities; Association of American Colleges and Universities; Association of Catholic Colleges and Universities; Association of Governing Boards of Universities and Colleges.

Association of Jesuit Colleges and Universities; Association of Public and Land-grant Universities; College and University Professional Association for Human Resources; Common App; Consortium of Universities of the Washington Metropolitan Area; Council for Advancement and Support of Education; Council for Higher Education Accreditation; Council for Opportunity in Education; Council of Graduate Schools; Council of Independent Colleges; Council on Social Work Education; EDUCAUSE ETS; Hispanic Association of Colleges and Universities; NAFSA: Association of International Educators.

NASPA-Student Affairs Administrators in Higher Education; National Association for College Admission Counseling; National Association for Equal Opportunity in Higher Education; National Association of College and University Business Officers; National Association of Colleges and Employers; National Association of Independent Colleges and Universities; National Association of Student Financial Aid Administrators; National Council for Community and Education Partnerships; Phi Beta Kappa Society; The College Board; TMCf; UNCF; UPCEA.

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

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we live in a highly divided time, of course, high levels of polarization, but I would submit, Mr. Speaker, that one thing that every Member of this esteemed body can agree upon is they want people to be able to work their way out of poverty, that that pathway out of poverty is a critically important part of the American story.

And one thing that I know deep in my heart, and I know that my colleague, Congresswoman ADAMS, agrees, and that is that education is a powerful tool. Education and hard work creates opportunity for people to be able to build better lives, and that is why we gather here today: the FUTURE Act, Fostering Undergraduate Talent by

Unlocking Resources for Education Act.

Now, Congress has long recognized the importance of historically Black colleges and Tribal colleges, of which there are a number in South Dakota, and we will hear more about them in a bit, and there are other minority-serving institutions. They play a critically important role in building that pathway out of poverty that we have been talking about.

We also know what a large role STEM—science, technology, engineering and math—is playing in our country today, and we know that it will play an even larger role in the future. And so what this bill does, what the FUTURE Act does, is make sure that the Congressional commitment to that STEM education continues for a decade.

Mr. Speaker, \$255 million a year has gone to historically Black institutions, Tribal colleges, and other minority-serving institutions. It has unlocked great potential and great opportunity. We do know that these institutions work. We know that they are worth investing in. We know that graduates of those minority-serving institutions earn more and have more successful careers than people who do not graduate from those institutions.

And, in fact, we know that for many of the institutions, their outcomes for their students are better than the outcomes for students who graduate from non-minority-serving institutions. This is a powerful story, and it is worth investing in.

We talked about that for a decade this program has been in place and it has been working. The 10-year authorization lapsed earlier this year—September 30, 2019. We have an opportunity here today for this Chamber to reinvest in what works and to get our work done on, at least, close to on time.

So, Mr. Speaker, I have other comments to make, particularly about Tribal colleges, but at this point, I reserve the balance of my time.

Ms. ADAMS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DELBENE).

Ms. DELBENE. Mr. Speaker, I thank Congresswoman ADAMS for her incredible work on this legislation.

Yesterday, I reintroduced an updated version of the Faster Access to Federal Student Aid Act, also known as the FAFSA Act.

My bill, through better integration with the Department of Education and the IRS, would simplify the application, verification, and student loan repayment process. My bill also provides a more secure way for taxpayer data to be shared between the IRS and the Department of Education for the purposes of verifying income for applicants requesting or renewing eligibility for income-driven loan repayment plans.

My home State of Washington ranged 48 in FAFSA application completion among high school seniors last year,

leaving millions of dollars in grants to attend college on the table. With the ever-rising cost of education, that is unacceptable. Each year, roughly 19 percent of borrowers in income-driven repayment fail to recertify their income on time, resulting in payment spikes and interest capitalization for approximately 1.3 million borrowers.

This important legislation is the first step in reducing the burdensome verification process for students and parents filing for aid, addressing a difficult challenge many students face accessing and affording higher education.

I am honored to be working with my colleagues in the Senate, Chairman ALEXANDER and Ranking Member MURRAY, to simplify and streamline the FAFSA application process and increase access to higher education for students across the country. This bipartisan approach to FAFSA simplification has been a long time coming.

I am pleased we were able to get the entirety of my bill included in the FUTURE Act, which I urge my colleagues to support today. In these challenging times, this kind of bipartisan solution is something that we can all support.

Mr. JOHNSON of South Dakota. Mr. Speaker, for 22 years, Texas has been ably represented by Congressman KEVIN BRADY, who has done a fantastic job serving Texas in this country. But I do have to brag, he is still a favored son of his native State of South Dakota, where Rapid City and Vermillion remember him well.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

Mr. BRADY. Mr. Speaker, I thank Congressman JOHNSON for yielding me time, and I thank him for his leadership for that great State.

Mr. Speaker, I rise in opposition—to be clear—not to the underlying bill. I strongly support the education provision; the one that would strengthen historically Black colleges and universities and other minority-serving institutions. In fact, that provision has passed this House with, I believe, unanimous support. But I do rise in opposition to the dangerous precedent set by the tax provision included in this bill. I don't believe taxpayer rights should be trampled in this process.

The Senate, as you know, airdropped an unrelated \$2.5 billion provision that threatens taxpayer privacy and creates a dangerous opportunity to potentially misuse our private tax information. The bill, for the first time, now authorizes new large-scale sharing of previously protected taxpayer information. With hundreds of contractors, thousands of educational institutions, and other bureaucrats, in many cases, without taxpayer consent and, potentially, without the safeguards that protect it.

The scale we are talking about here is huge. We are talking about at least 31 million individual disclosures of taxpayer information every year and hundreds of thousands a year after that.

This would be the third largest disclosure of taxpayer information for non-tax purposes in the history, second only to the Census and the Affordable Care Act.

It doesn't have to be this way. We have another option that pays for this bill but protects taxpayer information.

And why is that privacy so important? The IRS has more information about you than almost any other agency in the Federal Government. They know how many kids you have, how much money you make, whether you have a home office, you bought a hybrid car. They know how much money you donate; they know your marital status. That kind of information is valuable. Almost every Federal agency would like access to it.

More importantly, a lot of bad actors would like to have access to it. And out of this bill, these bad actors could have access for many years after you go to school. We know Watergate the hearings revealed a White House attorney who had tried to use IRS information to target political enemies. And administrations have tried to do this for farmers, unsuccessfully.

Congress recognized this vast amount of private information could be abused, and we acted to protect it. Those protections ensure taxpayer information is kept confidential unless it meets certain exemptions.

Over the years, we have added exemptions and we have deleted them, but every time Congress has carefully considered the cost and the consequences of those actions. But this bill's amendment is being rushed through the House without that appropriate care or consideration.

Today, when you file a form for a loan or a repayment or all that, you fill out that information, or you download the taxpayer information. That will be blocked. No more can you do that. So in the future, these millions of records will be out in the nether lands for years after you graduate from college. And as you know, once your data is out there—the horse is out of the barn—you can never get it back.

Mr. Speaker, so I rise today in opposition to this bill, basically to ask, "let's pause." Let's pause this play, which we all support, replace this privacy risk with another pay-for we can all agree on while more work is done in this measure.

Ms. ADAMS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DELBENE).

Ms. DELBENE. Mr. Speaker, I think this bill is all about making sure that we support consumer privacy and that we do it in a streamlined way. So the legislation in this bill would actually make this more secure for consumers.

And, again, I reiterate, the underlying legislation, the FAFSA Act, was passed out by the Republican majority and the Senate Finance Committee almost a year ago, and then passed the Senate by unanimous consent shortly after. So it is a truly bipartisan effort.

Currently, each year when verifying their income for an income-based repayment plan, students have to manually go into their FAFSA account and submit their IRS documents. They are submitting those documents. The FAFSA Act would create a more secure way for folks to have their IRS information be sent to the Department of Education for verification by having their data go directly. That is a more secure and streamlined process.

That streamlined process means that 8 to 9 million applicants who are currently unable to access their IRS data for their FAFSA applications for verification, that means this process will be automated and they would be able to move forward with going to school and receiving the support that they need.

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So, I strongly disagree with the concerns the gentleman raised. This is strengthening security, strengthening privacy.

Also, students and parent borrowers always have the opportunity to opt out of that transfer. They consent to it originally. They can opt out of that transfer, if they so wish, later on.

Mr. Speaker, I strongly urge folks to support this bill, which strengthens privacy and supports streamlining for parents and students.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chief Sitting Bull said: "Let us put our minds together and see what life we can make for our children."

Now, Chief Sitting Bull has cast a long shadow in South Dakota and that general geographic area. His words are as true today as they were when he uttered them. And he is the namesake for one of the impressive, successful, hard-working Tribal colleges in South Dakota.

They are collectively serving and improving the lives of thousands of, largely, Native students, although, some White students as well. And the outcomes are fantastic. They really are changing lives. They work every single day, often in difficult geographic environments, often in difficult financial environments, to help students who are so often first-generation students take those important educational steps to find that pathway toward a more successful life.

This is worth investing in. I have been to these colleges. Over my 20 years in and out of the public sector, I have been to Oglala Lakota College, and I have been to Sitting Bull College and Sinte Gleska and Sisseton Wahpeton.

The names of these presidents—Vermillion, Azure, Bordeaux, and Shortbull—these are legends in the educational arena. Those leaders and their staffs are using these dollars to deploy this STEM education in a way that really works.

And we all know, Mr. Speaker, how important STEM education is. I suspect we all understand that 15 of the 20 fastest growing careers are in the STEM fields. They require advanced study in science, in mathematics. We understand that job growth over the course of the next 10 years in these STEM fields will be 100 percent higher than job growth in other fields.

Now, that is not in any way an attempt to minimize the importance of other types of education, of course; but, if we want to have students at historically Black colleges and Tribal universities and other minority-serving institutions be prepared to be a key part of this growing American economy, the FUTURE Act and the STEM education that it supports is critically important.

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

Ms. ADAMS. Mr. Speaker, I thank the gentleman for his comments, and I will add my testimony to that, a 40-year college professor at Bennett College in Greensboro, North Carolina, an HBCU, a fine HBCU, a women's college; and having done my studies at North Carolina A&T State University twice—my bachelor's and master's there—and knowing that North Carolina has more HBCUs than any other State, we are proud of that.

Having said that, Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), who is also a member of the Education and Labor Committee and chair of the Subcommittee on Civil Rights and Human Services.

Ms. BONAMICI. Mr. Speaker, I rise today in support of H.R. 5363, the FUTURE Act.

This bill will provide critical support to our Nation's minority-serving institutions by permanently reauthorizing mandatory funding for historically Black colleges and universities, Tribally controlled colleges and universities, and other minority-serving institutions. These schools serve an important role in expanding opportunities for African American students and historically unrepresented student populations.

Congress must do all we can to make sure these institutions have the resources they need to support their students, and I thank Representative ADAMS for her tireless leadership on this issue.

In addition to the critical support for the historically Black colleges and universities and minority-serving institutions, this bill will also allow for the secure—and I repeat, secure—direct transfer of taxpayer data from the IRS to the Department of Education to enroll and reenroll borrowers in income-driven repayment plans. This change will make a real difference for borrowers.

We know that borrowers with small loan balances are more likely to default than borrowers with six-figure debts. Those who owe less than \$10,000

are most likely to default, are less likely to have completed their degrees, and are often burdened by low incomes or unemployment.

I have heard from many borrowers in northwest Oregon who describe loan repayment as anxiety-inducing, daunting, and overwhelming; and I have heard from several constituents who faced financial consequences for missing the deadline to annually recertify their income for income-driven repayment plans.

This change will protect many borrowers from default by getting and keeping them in manageable, income-driven repayment plans. This bill will also remove burdensome paper requirements for borrowers who are totally and permanently disabled.

This has been a longtime priority of mine through the bipartisan SIMPLE Act, and I applaud my colleague, Representative DELBENE, for her leadership on the language included in the bill before us today.

Finally, I am pleased that this bill includes a much-needed increase in Pell grant funding.

Mr. Speaker, I urge all of my colleagues to support this critical legislation when it comes to the floor, as we continue our work to make college more affordable and equitable for everyone.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in August, I was at Sitting Bull College, and I had an opportunity, over the course of half a day or so, to speak with the instructors, the professors, the administrators, and, most importantly, the students there. The stories of these students brought such a smile to my face.

If anybody is having a bad day, you have got to go to one of these Tribal colleges. You have got to hear from the students who are seeing the prospects for a better tomorrow improve every single day they sit in the classroom; to see these facilities, which are not the fanciest campuses in America, but are places where people with large hearts and with limited resources have built a center of learning and economic opportunity.

One student had had a very difficult life, and I asked her: So why do you persevere? Why are you here? Why are you doing homework late into the night so you can be prepared for class? Wouldn't it be easier to go do something else?

She said: Congressman JOHNSON, the life I have had isn't the life that I want to have. My children deserve better, and, sir, I am going to give it to them.

Hard work alone can only do so much. Hard work, when paired with education, can unlock the universe. This is happening in our country, and it is worth investing in.

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

Ms. ADAMS. Mr. Speaker, may I inquire how much time remains on either side.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 11 minutes remaining. The gentleman from South Dakota has 9 minutes remaining.

Ms. ADAMS. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), the capable chair of the Committee on Education and Labor.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for her leadership in bringing this bill to the floor, and I want to thank all of my House and Senate colleagues who have worked diligently on this legislation.

Historically Black colleges and universities, Tribally controlled colleges and universities, and other minority-serving institutions play a significant role in expanding access to higher education for low-income students and students of color.

Collectively, they educate more than one-fourth of all undergraduates—nearly 6 million students—including many first-time college students and students from our Nation's most underserved communities.

Historically Black colleges and universities specifically make up less than 3 percent of colleges and universities, yet they produce almost 20 percent of all Black graduates, half of all Black professionals, and over a third of all Black STEM graduates.

Unfortunately, despite their outsized role in serving our Nation's most underserved students, HBCUs and MSIs have historically been underresourced compared to other institutions of higher education.

That is why, 3 months ago, the House unanimously passed the FUTURE Act, a proposal to provide vital funding for HBCUs and other MSIs. Regrettably, that funding had expired on September 30. This bill will restore that funding.

In fact, after careful negotiation and compromise, this bill we are voting on today does not just restore the guarantee of more than \$250 million a year for HBCUs and MSIs; it permanently authorizes that funding. It also facilitates stronger cooperation between the IRS and the Department of Education to simplify the Free Application for Federal Student Aid, or FAFSA, to make it easier for students to access student aid and repay their loans.

I want to note that, as mentioned, the FUTURE Act streamlines the income-driven repayment process for millions of Direct Loan borrowers.

For the 12.4 million borrowers with a Federal Family Education Loan, the loan from our old program that is winding down, this bill does not disturb the Treasury's authority to continue operating the data retrieval tool. This tool allows borrowers, including FFEL borrowers, to retrieve their own tax information for the purposes of certifying their income for an income-driven repayment plan.

Many FFEL borrowers are currently enrolled in income-driven repayment plans and rely on this existing tool

made available by the Internal Revenue Service and the Department of Education. This legislation does not eliminate the authority for the data retrieval tool, and, indeed, we urge the Secretaries of Treasury and Education to maintain that tool to ensure that all FFEL borrowers, especially those whose loans are owned by the Department of Education, have streamlined access to manageable monthly payments.

Before I close, I would like to give special thanks to Chairman NEAL of the Ways and Means Committee for his dedication and hard work in negotiating to bring this bill to the floor. Thanks to his leadership, we are voting on a bill today that will expand access to both institutions of higher learning and student aid for generations to come.

Mr. Speaker, I urge my colleagues to support the FUTURE Act.

Mr. JOHNSON of South Dakota. Mr. Speaker, just a short note about Congresswoman ADAMS.

I have the honor of serving with her on both the Education and Labor Committee as well as the Agriculture Committee, and, every time we have a committee hearing, I get an opportunity to see her hard work, her respect, her conscientiousness, her approach toward making this institution be the best that it can be. She has done yeoman's work in getting us to this point.

I would advise the Congresswoman as well as the Speaker that I have no further speakers and that I am prepared to close at the appropriate time, sir.

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

Ms. ADAMS. Mr. Speaker, I thank the gentleman for his kind remarks, and it is a real pleasure serving with him and working with him on this particular issue.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today's bill, which I am pleased to cosponsor, accomplishes much good. While providing critical support for minority-serving institutions like Huston-Tillotson in Austin, it includes provisions from the bipartisan Student Aid Simplification Act, which I introduced earlier this year. It will assist students in all universities, and it is also mighty important to graduates repaying student debt.

I salute the chairman, Mr. SCOTT, for the work of his committee; College Forward and National College Access Network, who have worked with me on this for months; and, certainly, Senators MURRAY and ALEXANDER for moving this through the Senate.

Too many students find the current Free Application for Federal Student Aid, FAFSA, so complicated and the difficulty of getting all of the financial information required so demanding that they never complete the application. In fact, I was in San Antonio this past weekend. The completion rate there is a mere 35 percent. So \$2.6 billion in free money available for student



financial assistance goes unclaimed each year.

This bill will eliminate up to 22 FAFSA questions and require the Department of Education and IRS to work together and do some of the heavy lifting for the students by sharing the taxpayer information required for FAFSA completion. This means an increase in access to Pell grants and other educational opportunities, especially for first-time students whose parents may work multiple jobs.

And the provisions included from the bill that we introduced earlier this year will also eliminate problems that about 7 million students who graduated have faced in the annual recertification process for income-driven loans.

□ 1330

These are folks who may owe a lot, but they don't earn a lot. They include many teachers who have been kicked out of the Public Service Loan Forgiveness program for not recertifying each year. We eliminate that. These borrowers will now be protected from payment spikes.

We do all this through administrative simplification, through greater accuracy, so the bill actually raises the \$2.8 billion that we need for our minority-serving institutions.

When more students can access all the education that they are willing to work for, the students win, their families win, and our economy wins. Investing in our students is one of the best investments we can make, and investing in our minority-serving institutions means that opportunity is available for all.

Mr. JOHNSON of South Dakota. Mr. Speaker, I reserve the balance of my time.

Ms. ADAMS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CASTRO).

Mr. CASTRO of Texas. Mr. Speaker, I rise today in support of H.R. 5363, the FUTURE Act.

I thank all the Members of Congress, the Members of the Senate, the educational institutions, and the advocates who helped shepherd this legislation.

Under the FUTURE Act, MSIs will permanently receive the \$255 million they need for the next 10 years. Without this funding, schools would miss out on funding for STEM programs, academic counseling, and financial support for students in need.

This funding can be the difference between millions of students being able to afford college or attend college at all. This funding provides many students of color with the only opportunity they have ever had to enter fields where they are so often sorely underrepresented.

We must support these critical efforts by MSIs to help students complete their college degrees and diversify STEM careers.

Today, many students continue to leave STEM fields while in college, es-

pecially minority students. About 37 percent of Latino STEM students and 40 percent of Black STEM students will switch majors during college, compared to 29 percent of White STEM students. About 20 percent of Latino students and 26 percent of Black students will drop out before completing their STEM degrees.

By providing schools with a means to support their students, we can prevent these trends from continuing and help diversify all fields of study. It will help dismantle the lingering discrimination found in some career fields that these folks want to pursue.

When we diversify, we develop different perspectives, gather better talent, and become more competitive globally, and I urge my colleagues to support this piece of legislation.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill does three important things.

First, it invests in these historically Black colleges, Tribal colleges, and other minority-serving institutions we have been talking about, and the value proposition for those is clear. It is a great American success story.

The second important thing that the FUTURE Act does is invest in STEM education. We have talked a fair amount today about what an important and powerful engine that can be for economic growth within this country.

We have also talked a fair amount today about the third component of this bill, which is streamlining and modernizing this complicated Federal student aid system that costs American taxpayers real money. That streamlining will help.

Mr. Speaker, with that three-pronged value proposition, we have before us the FUTURE Act, which will continue this wonderful American investment in STEM education at these minority-serving institutions. I ask my colleagues to support the FUTURE Act.

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

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

Mr. Speaker, I thank the gentleman from South Dakota (Mr. JOHNSON) for all of his work and his support. Let me again thank all of my colleagues who have helped to bring us to the precipice of solidifying a robust Federal investment into HBCUs and MSIs for all time. I thank Chairman NEAL and Representative DELBENE, as well as Chairman BOBBY SCOTT for his leadership every step of the way in this effort. I thank the chair of the Congressional Black Caucus, Congresswoman KAREN BASS, and the chairs of the Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus, Congressman JOAQUIN CASTRO and Congresswoman JUDY CHU. I thank the leadership of the House for making HBCUs and MSIs and the students they serve a priority for this body.

It is telling how important this issue is for the fate of our Nation that we are considering this measure in the midst of all that Congress has to do before the end of the year.

To the advocates, the United Negro College Fund, the Thurgood Marshall College Fund, and NAFEO, whose members have sent over 65,000 letters and made calls to Members of Congress, I hope we can let them know that while they have worked hard, their hard work has paid off.

Mr. Speaker, 8 million students from across America are counting on us today. They are counting on Congress to keep its promise.

In 2008, when mandatory funding language was first authorized in title III, this body approved the measure by a vote of 354-to-58. Congress in 2008 understood the importance of our HBCUs and MSIs and the educational opportunities that they specifically tailor to students who have traditionally been denied access to adequately funded schools throughout their lives. Congress understood how the program was needed to help these institutions fulfill their mission to assist students in meeting their goals. That fact remains true now more than ever.

Let's have a strong vote to pass FUTURE Act 2.0 out of this House today. Bring it to the Senate and send it to the President's desk so that our HBCUs and MSIs and their students can finally have certainty from their government and know that when Congress makes a promise to provide for their future, we mean what we say.

Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. ADAMS) that the House suspend the rules and pass the bill, H.R. 5363, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ARRINGTON. 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 motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 748;

Adoption of House Resolution 748, if ordered; and

The motion to suspend the rules and pass H.R. 5363.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

# PROVIDING FOR CONSIDERATION OF H.R. 729, TRIBAL COASTAL RESILIENCY ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 748) providing for consideration of the bill (H.R. 729) to amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 188, not voting 16, as follows:

[Roll No. 657]

## YEAS—226

Adams	Evans	Maloney,
Aguilar	Finkenauer	Carolyn B.
Allred	Fletcher	Maloney, Sean
Axne	Foster	Matsui
Barragán	Frankel	McAdams
Bass	Fudge	McBath
Beatty	Galleo	McCollum
Bera	Garamendi	McEachin
Beyer	Garcia (IL)	McGovern
Bishop (GA)	Garcia (TX)	McNerney
Blumenauer	Golden	Meeks
Blunt Rochester	Gomez	Meng
Bonamici	Gonzalez (TX)	Moore
Boyle, Brendan	Gottheimer	Morrell
F.	Green, Al (TX)	Moulton
Brindisi	Grijalva	Mucarsel-Powell
Brownley (CA)	Haaland	Murphy (FL)
Bustos	Harder (CA)	Nadler
Butterfield	Hastings	Napolitano
Carbajal	Hayes	Neal
Cárdenas	Heck	Neguse
Carson (IN)	Higgins (NY)	Norcross
Cartwright	Himes	O'Halleran
Case	Horn, Kendra S.	Ocasio-Cortez
Casten (IL)	Horsford	Omar
Castor (FL)	Houlihan	Pallone
Castro (TX)	Hoyer	Panetta
Chu, Judy	Huffman	Pappas
Cicilline	Jackson Lee	Pascarell
Cisneros	Jayapal	Payne
Clark (MA)	Jeffries	Perlmutter
Clay	Johnson (GA)	Peters
Cleaver	Johnson (TX)	Peterson
Clyburn	Kaptur	Phillips
Cohen	Keating	Pingree
Connolly	Kelly (IL)	Pocan
Cooper	Kennedy	Porter
Correa	Khan	Pressley
Costa	Kildee	Price (NC)
Courtney	Kilmer	Quigley
Cox (CA)	Kim	Raskin
Craig	Kind	Rice (NY)
Crist	Kirkpatrick	Richmond
Crow	Krishnamoorthi	Rose (NY)
Cuellar	Kuster (NH)	Rouda
Cunningham	Lamb	Roybal-Allard
Davids (KS)	Langevin	Ruiz
Davis (CA)	Larsen (WA)	Ruppersberger
Davis, Danny K.	Larson (CT)	Rush
Dean	Lawrence	Ryan
DeFazio	DeGette	Sánchez
DeLauro	Lee (CA)	Sarbanes
DelBene	Lee (NV)	Scanlon
Delgado	Levin (CA)	Schakowsky
Demings	Levin (MI)	Schiff
DeSaulnier	Lewis	Schneider
Deutch	Lipinski	Schrader
Dingell	Loeb	Schrier
Doggett	Lofgren	Scott (VA)
Doyle, Michael	Lowenthal	Scott, David
F.	Lowe	Sewell (AL)
Engel	Lujan	Shalala
Escobar	Luria	Sherman
Eshoo	Lynch	Sherrill
Espallat	Malinowski	Slotkin

Smith (WA)  
Soto  
Spanberger  
Speier  
Stanton  
Stevens  
Suzuki  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)

## NAYS—188

Abraham  
Allen  
Amash  
Amodei  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Bergman  
Biggs  
Bilirakis  
Bishop (NC)  
Bishop (UT)  
Bost  
Brady  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Chabot  
Cheney  
Cline  
Cloud  
Cole  
Collins (GA)  
Comer  
Conaway  
Cook  
Crawford  
Crenshaw  
Curtis  
Davidson (OH)  
Davis, Rodney  
DesJarlais  
Diaz-Balart  
Duncan  
Dunn  
Emmer  
Estes  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxy (NC)  
Fulcher  
Gaetz  
Gallagher  
Gianforte  
Gibbs  
Gohmert  
Gonzalez (OH)

## NOT VOTING—16

Aderholt  
Brown (MD)  
Carter (TX)  
Clarke (NY)  
Gabbard  
Gooden  
Hunter  
Lesko  
Lieu, Ted  
Marchant  
Meuser  
Rooney (FL)

□ 1407

Messrs. WILSON of South Carolina and CRENSHAW changed their vote from “yea” to “nay.”

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.

Veasey  
Vela  
Velázquez  
Visclosky  
Waters  
Watson Coleman  
Welch  
Wexton  
Wild  
Wilson (FL)  
Yarmuth

Mr. WOODALL. 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 226, nays 189, not voting 15, as follows:

[Roll No. 658]

## YEAS—226

Adams	Golden	O'Halleran
Aguilar	Gomez	Ocasio-Cortez
Allred	Gonzalez (TX)	Omar
Axne	Gottheimer	Pallone
Barragán	Green, Al (TX)	Panetta
Bass	Grijalva	Pappas
Beatty	Haaland	Pascarell
Bera	Harder (CA)	Payne
Beyer	Hastings	Perlmutter
Bishop (GA)	Hayes	Peters
Blumenauer	Heck	Peterson
Blunt Rochester	Higgins (NY)	Phillips
Bonamici	Himes	Pingree
Boyle, Brendan	Horn, Kendra S.	Pocan
F.	Horsford	Pressley
Brindisi	Houlihan	Price (NC)
Brownley (CA)	Hoyer	Quigley
Bustos	Huffman	Raskin
Butterfield	Jackson Lee	Rice (NY)
Carbajal	Jayapal	Richmond
Cárdenas	Jeffries	Rose (NY)
Carson (IN)	Johnson (GA)	Rouda
Cartwright	Johnson (TX)	Roybal-Allard
Case	Kaptur	Ruiz
Casten (IL)	Keating	Ruppersberger
Castor (FL)	Kelly (IL)	Rush
Castro (TX)	Kennedy	Ryan
Chu, Judy	Khan	Sánchez
Cicilline	Kildee	Sarbanes
Cisneros	Kilmer	Scanlon
Clark (MA)	Kim	Schakowsky
Clay	Kind	Schiff
Cleaver	Kirkpatrick	Schneider
Clyburn	Krishnamoorthi	Schrader
Cohen	Kuster (NH)	Schrier
Connolly	Lamb	Scott (VA)
Cooper	Langevin	Scott, David
Correa	Larsen (WA)	Sewell (AL)
Costa	Larson (CT)	Shalala
Courtney	Lawrence	Sherman
Cox (CA)	Lawson (FL)	Sherrill
Craig	Lee (CA)	Sires
Crist	Lee (NV)	Slotkin
Crow	Levin (CA)	Smith (WA)
Cuellar	Levin (MI)	Soto
Cunningham	Lewis	Spanberger
Davids (KS)	Lipinski	Speier
Davis (CA)	Loeb	Stanton
Davis, Danny K.	Lofgren	Stevens
Dean	Lowenthal	Suzuki
DeFazio	Lowe	Swalwell (CA)
DeGette	Lujan	Takano
DeLauro	Luria	Thompson (CA)
DelBene	Lynch	Thompson (MS)
Delgado	Malinowski	Titus
Demings	Maloney,	Tlaib
DeSaulnier	Carolyn B.	Tonko
Deutch	Maloney, Sean	Torres (CA)
Dingell	Matsui	Torres Small
Doggett	McAdams	(NM)
Doyle, Michael	McBath	Trahan
F.	McCollum	Trone
Engel	McEachin	Underwood
Escobar	McGovern	Van Drew
Eshoo	McNerney	Vargas
Espallat	Meeks	Veasey
Evans	Meng	Vela
Finkenauer	Moore	Velázquez
Fletcher	Morelle	Visclosky
Foster	Moulton	Waters
Frankel	Mucarsel-Powell	Watson Coleman
Fudge	Murphy (FL)	Welch
Galleo	Nadler	Wexton
Garamendi	Napolitano	Wild
Garcia (IL)	Neal	Wilson (FL)
Garcia (TX)	Neguse	Yarmuth
	Norcross	

## NAYS—189

Abraham	Bacon	Bilirakis
Allen	Baird	Bishop (NC)
Amash	Balderson	Bost
Amodei	Banks	Brady
Armstrong	Barr	Brooks (AL)
Arrington	Bergman	Brooks (IN)
Babin	Biggs	Buchanan

Buck Hice (GA)  
 Bucshon Higgins (LA)  
 Budd Hill (AR)  
 Burchett Holding  
 Burgess Hollingsworth  
 Byrne Hudson  
 Calvert Huizenga  
 Carter (GA) Hurd (TX)  
 Chabot Johnson (LA)  
 Cheney Johnson (OH)  
 Cline Johnson (SD)  
 Cloud Jordan  
 Cole Joyce (OH)  
 Collins (GA) Joyce (PA)  
 Comer Katko  
 Conaway Keller  
 Cook Kelly (MS)  
 Crawford Kelly (PA)  
 Crenshaw King (IA)  
 Curtis King (NY)  
 Davidson (OH) Kinzinger  
 Davis, Rodney Kustoff (TN)  
 DesJarlais LaHood  
 Diaz-Balart LaMalfa  
 Duncan Lamborn  
 Dunn Latta  
 Emmer Lesko  
 Estes Long  
 Ferguson Loudermilk  
 Fitzpatrick Lucas  
 Fleischmann Luetkemeyer  
 Flores Marshall  
 Fortenberry Massie  
 Foxx (NC) Mast  
 Fulcher McCarthy  
 Gaetz McCaul  
 Gallagher McClintock  
 Gianforte McHenry  
 Gibbs McKinley  
 Gohmert Meadows  
 Gonzalez (OH) Miller  
 Gosar Mitchell  
 Granger Moolenaar  
 Graves (GA) Mooney (WV)  
 Graves (LA) Mullin  
 Graves (MO) Murphy (NC)  
 Green (TN) Newhouse  
 Griffith Norman  
 Grothman Nunes  
 Guest Olson  
 Guthrie Palazzo  
 Hagedorn Palmer  
 Harris Pence  
 Hartzler Perry  
 Hern, Kevin Porter  
 Herrera Beutler Posey

## NOT VOTING—15

Aderholt Hunter  
 Bishop (UT) Lieu, Ted  
 Brown (MD) Marchant  
 Carter (TX) Meuser  
 Gabbard Rooney (FL)  
 Gooden Sensenbrenner

## □ 1417

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.

# FOSTERING UNDERGRADUATE TALENT BY UNLOCKING RESOURCES FOR EDUCATION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5363) to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. ADAMS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 319, nays 96, not voting 15, as follows:

[Roll No. 659]

## YEAS—319

Abraham Evans  
 Adams Finkenauer  
 Aguilar Fitzpatrick  
 Allen Lynch  
 Allred Fletcher  
 Amodei Fortenberry  
 Armstrong Foster  
 Axne Foxx (NC)  
 Balderson Frankel  
 Barr Fudge  
 Barragán Gallagher  
 Bass Gallego  
 Beatty Garamendi  
 Bera Garcia (IL)  
 Bergman Garcia (TX)  
 Beyer Golden  
 Bilirakis Gomez  
 Bishop (GA) Gonzalez (OH)  
 Bishop (UT) Gonzalez (TX)  
 Blumenauer Gottheimer  
 Blunt Rochester  
 Bonamici Graves (GA)  
 Bost Graves (LA)  
 Boyle, Brendan Green, Al (TX)  
 F. Grijalva  
 Guest  
 Guthrie  
 Haaland  
 Brownley (CA) Harder (CA)  
 Buchanan Hartzler  
 Bucshon Hastings  
 Bustos Hayes  
 Butterfield Heck  
 Calvert Herrera Beutler  
 Carbajal Higgins (NY)  
 Cárdenas Hill (AR)  
 Carson (IN) Himes  
 Carter (TX) Hollingsworth  
 Cartwright Horn, Kendra S.  
 Case Horsford  
 Casten (IL) Houlahan  
 Castor (FL) Hoyer  
 Castro (TX) Hudson  
 Chabot Huffman  
 Chu, Judy Huizenga  
 Cicilline Hurd (TX)  
 Cisneros Jackson Lee  
 Clark (MA) Jayapal  
 Clarke (NY) Jeffries  
 Clay Johnson (GA)  
 Cleaver Johnson (LA)  
 Cline Johnson (SD)  
 Clyburn Johnson (TX)  
 Cohen Joyce (OH)  
 Cole Kaptur  
 Collins (GA) Katko  
 Comer Keating  
 Connolly Keller  
 Cook Kelly (IL)  
 Cooper Kelly (MS)  
 Correa Kelly (PA)  
 Costa Kennedy  
 Courtney Khanna  
 Cox (CA) Kildee  
 Craig Kilmer  
 Crist Kim  
 Crow Kind  
 Cuellar King (NY)  
 Cunningham Kinzinger  
 Davids (KS) Kirkpatrick  
 Davis (CA) Krishnamoorthi  
 Davis, Danny K. Kuster (NH)  
 Davis, Rodney Kustoff (TN)  
 Dean Lamb  
 DeFazio Langevin  
 DeGette Larsen (WA)  
 DeLauro Larson (CT)  
 DelBene Latta  
 Delgado Lawrence  
 Demings Lawson (FL)  
 DeSaulnier Lee (CA)  
 Deutch Lee (NV)  
 Diaz-Balart Levin (CA)  
 Dingell Levin (MI)  
 Doggett Lewis  
 Doyle, Michael Lipinski  
 F. Loeb sack  
 Dunn Lofgren  
 Engel Lowenthal  
 Escobar Lowey  
 Eshoo Lucas  
 Espallat Luetkemeyer

Spanberger  
 Spano  
 Speier  
 Stanton  
 Stauber  
 Stefanik  
 Steil  
 Stevens  
 Stivers  
 Suozzi  
 Swalwell (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Titus  
 Tlaib

Tonko  
 Torres (CA)  
 Torres Small  
 (NM)  
 Trahan  
 Trone  
 Turner  
 Underwood  
 Upton  
 Van Drew  
 Vargas  
 Veasey  
 Vela  
 Velázquez  
 Visclosky  
 Wagner  
 Walberg

## NAYS—96

Amash  
 Arrington  
 Babin  
 Bacon  
 Baird  
 Banks  
 Biggs  
 Bishop (NC)  
 Brady  
 Brooks (AL)  
 Buck  
 Budd  
 Burchett  
 Burgess  
 Byrne  
 Carter (GA)  
 Cheney  
 Cloud  
 Conaway  
 Crawford  
 Crenshaw  
 Curtis  
 Davidson (OH)  
 DesJarlais  
 Duncan  
 Emmer  
 Estes  
 Ferguson  
 Fleischmann  
 Flores  
 Fulcher  
 Gaetz

## NOT VOTING—15

Aderholt  
 Brown (MD)  
 Gabbard  
 Gooden  
 Hunter  
 Lieu, Ted

Marchant  
 Meuser  
 Rooney (FL)  
 Sensenbrenner  
 Serrano  
 Simpson

## □ 1427

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SIMPSON. Mr. Speaker, for personal reasons, I missed the first vote series today. Had I been present, I would have voted “nay” on rollcall No. 657, “nay” on rollcall No. 658, and “yea” on rollcall No. 659.

## TRIBAL COASTAL RESILIENCY ACT

## GENERAL LEAVE

Mr. CASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials on H.R. 729.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 748 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 729.

The Chair appoints the gentlewoman from Maine (Ms. PINGREE) to preside over the Committee of the Whole.

□ 1430

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 729) to amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives, and for other purposes, with Ms. PINGREE in the chair.

The Clerk read the title of the bill.

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

General debate shall be confined to the bill and amendments specified in the resolution and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Hawaii (Mr. CASE) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Hawaii.

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

Madam Chair, today I am truly honored to bring to the floor a bipartisan bill championed by many colleagues from throughout the country and many individuals and organizations passionately committed to our oceans, lakes, and coastlines and to the ecosystems, communities, and economies that depend on them.

I especially want to recognize my colleagues who introduced and advocated the measures that are incorporated in this bill: Representatives KILMER, HUFFMAN, WITTMAN, QUIGLEY, PALLONE, PINGREE, NORTON, CARBAJAL, RUPPERSBERGER, and YOUNG.

This bill consolidates 10 bipartisan bills, cosponsored by a total of 24 of my minority colleagues, that tackle the crisis and challenge of our time: climate change.

Climate change, of course, knows no partisan, country, or other manmade boundaries. It indiscriminately threatens us all, but it is especially insidious as it applies to our world's oceans, lakes, and coastlines.

Earlier this year, the Intergovernmental Panel on Climate Change issued a special report on ocean and cryosphere in a changing climate, making crystal clear that our oceans and coasts are under mortal threat.

Over 40 percent of Americans live in coastal counties right on our oceans and lakes. These communities not only account for nearly half of our U.S. gross domestic product, but they are on the front lines of climate change and need resources today to help prepare for and respond to the effects of

climate change, including flooding, sea level rise, severe weather, coastal erosion, and changing water conditions that affect ecosystems and fish populations.

They need help, and as we help them, we help all of us. We know from a generation of data now that every dollar invested in predisaster mitigation saves at least \$6 in recovery costs. H.R. 729 includes bipartisan measures that will do this in four ways.

First, it will improve coastal resilience and economic enhancement by making several important updates to the Coastal Zone Management Act, a then-revolutionary law from 1972 to establish a partnership between the Federal Government and coastal and Great Lakes States. It will also help communities implement climate-resilient living shoreline projects that use natural materials to protect communities and ecosystems instead of hard or armored walls and infrastructure that we know are less effective.

Second, it will reinforce fish habitat conservation and fisheries research. It will also authorize steady funding for the U.S. Geological Survey to conduct science and research activities to support fishery management in the Great Lakes and to restore the loss of basic fishery science capabilities and accelerate implementation of new technology.

Third, recognizing that responsible management of the oceans, coasts, and Great Lakes relies on robust data, this bill will reauthorize the integrated coastal and ocean observation system and, for the first time, formally authorize the digital coast partnership, both of which are led by the National Oceanic and Atmospheric Administration.

Finally, H.R. 729 will update the National Sea Grant College Program to ensure the United States has a strong marine and coastal science and policy workforce so that we can continue to develop smart policy solutions in the future.

This bipartisan bill is supported by a plethora of diverse organizations across our country, including the Congressional Sportsmen's Foundation, the Teddy Roosevelt Conservation Project, the American Sportfishing Association, and Ocean Conservancy.

It won't, in and of itself, solve climate change. That takes a much larger, more focused, and deliberate international effort. But it will move our Federal policy into the present and the future as to what risks arise for our oceans, lakes, and coasts and their communities, and this bill is an imperative step in the difficult process we face.

Madam Chair, I urge my colleagues' support, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, December 6, 2019.

Chairman RAÚL M. GRIJALVA,  
*Committee on Natural Resources,*  
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN GRIJALVA: I am writing to you concerning H.R. 2405, the "National Sea Grant College Program Amendments Act of 2019," which was referred to the Committee on Natural Resources on April 30, 2019.

In the interest of expedience in the consideration of H.R. 2405 the Committee on Science, Space, and Technology will waive formal consideration of the bill. This is, however, not a waiver of future jurisdictional claims by the Science Committee over the subject matter contained in H.R. 2405 or similar legislation.

Thank you for agreeing to include our exchange of letters in the Congressional Record. Thank you for your cooperation on this legislation.

Sincerely,

EDDIE BERNICE JOHNSON,  
*Chairwoman, Committee on Science,*  
*Space, and Technology.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, December 9, 2019.

Chairwoman EDDIE BERNICE JOHNSON,  
*Committee on Science, Space, and Technology,*  
*House of Representatives, Washington, DC.*

DEAR CHAIRWOMAN JOHNSON: In recognition of the goal of expediting consideration of H.R. 2405, the "National Sea Grant College Program Amendments Act of 2019," which was referred solely to the Committee on Natural Resources, the Committee on Natural Resources appreciates the decision by the Committee on Science, Space, and Technology ("Science Committee") not to pursue its request for a sequential referral of the bill as to any provisions that fall within the Rule X jurisdiction of the Science Committee.

The Committee on Natural Resources acknowledges this action with the mutual understanding that, in doing so, the Science Committee does not waive any future jurisdictional claims over the subject matter contained in this or similar legislation, and the Committee on Natural Resources agrees to include our exchange of letters in the Congressional Record.

I appreciate your cooperation regarding this legislation.

Sincerely,

RAÚL M. GRIJALVA,  
*Chair, Committee on Natural Resources.*

Mr. BISHOP of Utah. Madam Chair, I yield myself such time as I may consume.

Madam Chair, as we approach this particular piece of legislation, there are other issues that seem to be floating around at this time of year that seem to have sucked all the air out of Congress. Everyone seems to be talking about impeachment instead of this stuff. But I realize it is important for the majority party to try and give the illusion that we are actually doing something, and, therefore, we have this bill before us.

If this bill is indeed the vision that the majority party wants to say is their way of helping climate control or helping the costs and the betterment of our seas and oceans, if this is their philosophy, if this is their vision, and if this is their new, really big and giant kind of really cool thing that they are

going to bring out here as their statement of what is going to happen, then they ought to be embarrassed in some way.

This bill is like getting that Christmas package, and once you tear off all the pretty wrapping paper and the satin bows, Madam Chair, you will realize, and Americans will realize, this piece of legislation is an empty box. There is nothing there.

There are 10 bills that we have here. Three would actually qualify to go as suspensions. We have no qualms with those. But it is certainly not groundbreaking new ideas that are coming up here.

In fact, one of those bills is the one from Mr. KILMER. He has a great bill. It has one small problem with it that could create a problem in the future, and there was a Democrat amendment that was proposed to the Rules Committee which would be a perfect solution.

Unfortunately, of all the 29-plus amendments the Rules Committee decided to make in order, the one that actually fixes something that we would support, they decided not to make that in order. It is great. It is marvelous. We will try to fix it over in the Senate side.

Of the other bills, four of them do absolutely nothing. In fact, the testimony we had in committee on those bills was they are presently being done by the status quo. The agency said in their testimony that they have the power and the authority to do this already. The only thing you are going to add by combining these extra bills, Madam Chair, is simply a \$1.4 billion cost increase to it.

There are four of these bills that have no Senate counterpart, which means we can pass them over here, but they are going nowhere in the Senate.

So, once again, this is simply a lost opportunity to do something when we have so many significant issues. In fact, in the Rules Committee last night, they mentioned some of the things we need to do before next Friday, like the NDAA, which should have been done in September; or the USMCA, which was ready to go in August; or the funding bill that we need to do, which we should have had done by June; or even the backlog maintenance bill that Mr. KILMER and I have, which has 330 sponsors and cosponsors and still has yet to have a vote on this floor.

Those actually solve problems. They do something. But we are not scheduling that stuff. So we are sitting here with this illusion of coming up with something.

Some of these bills will make amendments to the Coastal Zone Management Act, an act that was signed into law by Richard Nixon, which gives the Democrats kind of an ironic sense of humor in actually doing that kind of amendment in the atmosphere of this particular time period.

Then we also have a whole bunch of amendments that were made in order.

Four of those 29 amendments are actually bills that other people have proposed.

Since nothing is really being done in the legislative process here, this seems to be like the only game in town, so why not add your bill on to it?

We saw the same thing happening on the NDAA when we did several things that were in the purview of our committee that were added to that bill having nothing to do with the military, but it was the only thing going in town, so add your bill on top of it.

Of those bills, three of them had absolutely no hearings whatsoever; they are just new. They have been added on here, and we are going to try and do this and bypass the entire system which is supposed to be the way you actually do legislating in this body.

One of them did have a hearing. Unfortunately, it was last Congress when we were in charge. I guess that is close enough for government work here.

But the problem that we do simply have is that there are so many potential problems with this bill.

Now, two of these bills that have been added to this have some specific issues which we will talk about in the course of the discussion that we have around the bill: one of them dealing with, once again, whether a city is the same thing as a State for coastal management planning; one of them will be dealing with some of the programs that are going to be mandatory under this particular folderol of legislation that has been kind of cobbled together as if this were a good, bright, and comprehensive approach to try and solve problems in America.

Madam Chair, I don't want to be too critical because I realize one of these bills in here is yours. At the same time, this package of bills is not a great idea; it is not grand philosophy; and it doesn't solve anything. In fact, for the majority of it, you already have the power to do it. You don't need this stuff in here. There are better ways of doing it, and this is certainly not one of those ways.

Madam Chair, I reserve the balance of my time.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentleman from Washington (Mr. KILMER), who is the introducer of the bill in chief.

Mr. KILMER. Madam Chair, I thank my friend from Hawaii for yielding time.

Madam Chair, I rise today in strong support of H.R. 729, the Coastal and Great Lakes Communities Enhancement Act, a package of 10 bipartisan bills that will make significant strides to address the critical challenges our coastal communities face as a direct result of climate change and sea level rise.

Madam Chair, this is Taholah, the lower village of the Quinault Indian Nation. This photo doesn't show someone canoeing on a river or on a lake. It shows someone canoeing through the streets of their village after seawater flooded the area during a storm.

Far too often and far too many times, we have seen more severe storms and rising sea levels threaten communities like this. In my region, we have seen it in La Push, where the Quileute Tribal School is in the cross-hairs of a rising ocean.

We have seen coastal challenges threaten public safety, public access, and cultural landmarks for these Tribes and others, including the Hoh and Makah Tribes. These communities are seeing the impact of climate change right now.

Breached seawalls, persistent flooding, mold damage, tsunami threats, and coastal erosion put homes at risk. They put schools serving Tribal youth at risk and community centers serving elders at risk, not to mention important cultural sites that date back generations.

Unfortunately, these threats from changing landscapes and weather events can't be adequately addressed by Tribal governments alone because they don't have the resources. While the Federal Government has resources to help coastal communities, there is no ability under current law to make direct applications for this funding.

Madam Chair, I grew up on the Olympic Peninsula. I have seen, firsthand, challenges faced by coastal communities; and, today, in the face of these threats, with this bill, we say that we are not going to tell these communities that they are on their own, because today's proposal includes my bill, the Tribal Coastal Resiliency Act, which aims to uphold Tribal sovereignty by modernizing NOAA's Coastal Zone Management grant program to allow Tribal governments to directly compete for these grants instead of requiring them to petition States to prioritize these projects.

□ 1445

The CHAIR. The time of the gentleman has expired.

Mr. CASE. Madam Chair, I yield an additional 15 seconds to the gentleman from Washington.

Mr. KILMER. This is about helping communities that face more severe storms and increased flooding in my region and around the country. This is about the Federal Government upholding its trust responsibility. This is about making a difference for coastal communities.

Madam Chair, let's pass this bill and help our communities.

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

Mr. BISHOP of Utah. Madam Chair, I yield 4 minutes to gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Madam Chairwoman, I thank the gentleman for the time.

Madam Chair, the package before us represents the misguided partisan nature of this majority infecting everything Congress touches. This package highlights the real lost opportunities before us because of the majority's insistence on impeachment all the time.

The Democrats have rallied and promised real sweeping policies to create jobs, address our trade challenges, tackle our national energy needs, and fight wildfires. Yet, they have been so consumed with attacking our President and impeachment that they have nothing to show for it.

So to save face, Speaker PELOSI loaded up her giant jumbo jet, wasted taxpayer dollars gallivanting around Spain to simply talk about climate change. This coming week, she has scheduled a series of bills on the House floor in the name of “combating climate change” that are actually retreads of programs that are already authorized and actions that are already being taken by the Federal Government.

H.R. 729 is clear proof that the Democrats have no agenda and have no plan other than to impeach President Trump. Most of the bills included in this package before us today duplicate existing authority that the National Oceanic and Atmospheric Administration, or NOAA, already has under the Coastal Zone Management Act, CZMA. Also, under Tribal CZMA, living shoreline and climate change, NOAA and U.S. Fish and Wildlife Service have for fishery research and management, like the Great Lakes fishery, or NOAA has for Digital Coast data platforms. This package represents deeply misguided priorities based off misguided efforts.

Now, let's start with the premise that we need to designate a city, a non-coastal city, as a participating member of the Coastal Zone Management Act. Why would we declare the District of Columbia a “coastal city” and give them veto power over Federal actions affecting its coastal zone, once it develops an approved coastal zone management program? Political partisan power.

What does this threaten?

What happens when the District of Columbia expresses concerns with the impacts of expanded Federal operations at Naval Station Norfolk? What happens when the Federal Government wants to expand the Wilson Bridge and I-495? Does D.C. get veto authority? This bill could grant them that authority.

Next, let's be clear, the loan guarantee program under the Working Waterfront program will simply put the American taxpayer on the hook for local defaults with little or no adequate oversight.

While the National Sea Grant Program is popular among coastal members, this bill establishes a mandatory fellowship program that provides free graduate students to staff, and, yes, Democratic congressional offices, at taxpayer expense.

Finally, according to the Congressional Budget Office, CBO, the cumulative cost of this package to the American taxpayers would be upwards of \$1.4 billion over the authorized periods, with the potential for an additional cost of \$292 million outside of

the authorized windows. Yet, here we are with massive new authorizations in the bill package that are unnecessary, and like all things in this Congress, are much higher than current levels of spending.

The agencies responsible for carrying out most of this legislation stated that it can do, and is doing, most of these functions under current law.

So why are we here? To create giant authorization slush funds that future Democratic Congresses working with future Democratic Presidents will have available to funnel money to their schemes to combat climate change. We should reject this package before us. We should pass the USMCA. We should focus on infrastructure permitting and reforming the way we approve major projects in this country to create jobs and move America forward.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Chair, I rise in support of H.R. 729, which includes the text of my bill, the Great Lakes Fishery Research Authorization Act.

The Great Lakes hold 18 percent of the world's fresh water supply, and over 35 million people depend on the lakes for drinking water, recreation, fish and wildlife-related activities, industrial water supply, and commercial navigation.

The Lakes support more than 1.5 million jobs and generate \$62 billion in wages. Of those jobs, more than 50,000 are directly sustained by the Great Lakes' \$7 billion fishing industry.

The Great Lakes Science Center has field operations in 5 of the 8 Great Lake States and owns and operates a fleet of large research vessels that monitor the Lakes and the fishery to ensure that these crucial ecosystems stay healthy and productive.

The Center is the only agency that conducts multi-jurisdictional, lake-wide scientific assessments in the Lakes, and is crucial for protecting and preserving this incredible resource and economic driver.

Due to the unique governance structure of the Great Lakes, where there is no Federal water, NOAA, which normally manages fishery science, has no jurisdiction, and GLSC falls under the umbrella of the USGS.

Unfortunately, unlike coastal fishery management agencies, the GLSC has had to piece together funding from the USGS base appropriation since it has no formal authorization or dedicated line item. It has been forced to cobble together funding from three or four different sources within USGS every year, and as a result, has lagged far behind its peers in introducing 21st century technology to properly and effectively monitor the Lakes. In fact, its funding has even been raided and diverted to other projects, including to fossil fuel extraction research.

The Great Lakes Fishery and Research Authorization Act would fix this problem and give the GLSC the

dedicated funding it needs. This bipartisan bill, which, I will add, has more Republican than Democratic cosponsors, will correct the authorization and funding deficiencies in a transparent manner and in a way that puts the Great Lakes on par with other maritime environments in the Nation.

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

Mr. BISHOP of Utah. Madam Chair, even though this is another wonderful program that already has three different agencies that do the same thing and they have the authority to do it, in the Christmas spirit—maybe the gentleman from Michigan will find the error of his ways—in the Christmas spirit, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Chair, I thank my good friend and I thank, too, Mr. QUIGLEY, who just spoke, as the two of us are the bipartisan sponsors of the Great Lakes Fisheries Authorization Act, and we are glad that it is part of this package.

And I rise, obviously, in support, Madam Chair, today for this package of bills to help protect our coast and the Great Lakes.

You know, in the southwest there is a saying, “Don't mess with Texas.” Well, as one that grew up on the shores of Lake Michigan, there is a saying that we have, too, “Don't mess with the Great Lakes.”

This issue is deeply personal. It is one of great importance to the Nation. Our Great Lakes hold 18 percent of the world's fresh water supply, covers some 9,000 miles of shoreline, and this helps generate over \$7 billion a year in sport and commercial fishing industry alone. This bill would authorize the U.S. Geological Survey Great Lakes Science Center to conduct science and research activities to support fishery management decisions in the Great Lakes.

Funds are going to be used to restore the loss of basic fishery science capabilities, accelerate the development of invasive species controls and the restoration of native species, and implement advanced autonomous and remote sensing technologies. Current authorizations for the U.S. Geological Survey Great Lakes Science Center is confusing and funding is often piecemeal. In the past, the funds have been diverted to other unrelated purposes and disrupted ongoing research. That has got to change.

With dedicated funding and clear authorization, the U.S. Geological Survey Great Lakes Science Center will, in fact, be able to better ensure the health of the Great Lakes ecosystem. This is going to help enhance our coastal resilience, restore fish habitat, and protect our important coastal economies.

I support the legislation.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. HUFFMAN), the chair of the Natural Resources Committee Subcommittee on Water, Oceans and Wildlife.



Mr. HUFFMAN. Madam Chair, it is great to follow those warm, bipartisan remarks from my friend from Michigan, because, after all, even though you wouldn't know it from the ranking member's remarks, we are here to consider a package of bipartisan bills that provide commonsense, science-based solutions for issues facing our coastal communities. These bills reflect putting aside our differences and looking at the facts for the sake of our constituents in coastal economies around this country.

Last week, I attended the U.N. Climate Conference in Madrid. We were focused on international action on climate change, and specifically, the role of the oceans.

Because of climate change, coastal cities will be devastated from sea-level rise, and commercial fisheries could be either totally collapsed or moved beyond the reach of our coastal communities, all in my children's lifetimes.

So, yes, adaptation and mitigation will be costly, but the cost of doing nothing is exponentially higher. And the cost of inaction continues to increase every day that special interests concerned with keeping the status quo are put ahead of our oceans, our coasts, and future generations.

Now, this package of bills will provide tools and resources coastal communities need to prepare for the impacts of climate change and to protect local economies.

One section is based on my bill, the National Sea Grant College Program Amendments Act. It updates the Sea Grant program to better respond to the needs of the coastal communities through research, education, and extension programs. It also helps develop the coastal and marine research and policy workforce that our country needs to respond to these challenges.

Reauthorizing this important program is critical. To date, the program has improved the resilience of 462 coastal communities. It has also been an incredibly successful program in terms of leveraging Federal resources with State and local funds to meet the growing needs of these communities.

Last year, Sea Grant's work supported over 7,000 jobs, over 1,500 businesses, and it resulted in \$624 million in economic benefits. This program consistently has bipartisan support because of its effectiveness and importance to communities around this country.

So, again, I thank the gentleman from Hawaii (Mr. CASE).

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

Mr. BISHOP of Utah. Madam Chair, even though it has been said, you have already read it in some reports from the chairs of the committee of jurisdiction as well as the committee that could have sequential referral of this, that they approve adding some of the amendments we are going to be talking about later into this package. I think the same thing is actually having a

hearing and allowing members of those committees to have their will and say something.

The process is not to allow the chairman to determine what bills will or will not be added—what bills will or will not be. It is to allow the members of the committee to have that kind of input, and this process is eliminating that kind of input.

Madam Chair, I yield 4 minutes to the gentleman from California (Mr. MCCLINTOCK). He knows more about this issue than the rest of us on the floor combined.

Mr. MCCLINTOCK. Madam Chair, I thank the gentleman for yielding.

Madam Chair, I rise in opposition to this measure. A collection of minor, flawed bills was presented to our Subcommittee on Water, Oceans and Wildlife a few months ago, and instead of correcting the flaws, they have simply been repackaged and rebranded as a landmark climate change bill.

The net result is the climate is going to continue to change and our country will be about \$1.5 billion a year poorer for it.

Take, for example, H.R. 1023 included in this package, it creates a new Federal fishery monitoring program for the Great Lakes Basin. Well, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service already conduct similar fishery studies right now. Instead, this bill would task an agency that has little experience in fishery, science, and management, the U.S. Geological Survey, to do basically the same thing.

And this is especially baffling since we are currently paying NOAA some \$28 million a year for ocean, coastal, and Great Lakes research, and another \$2.9 million for interjurisdictional fisheries grants, which could be used for Great Lakes management and science.

Another measure is H.R. 2405, this reauthorizes NOAA's Sea Grant Program, bumping it \$10 million higher than currently appropriated, and then increasing that authorization by nearly 5 percent annually thereafter. This program is one that the President rightly sought to eliminate in his budget in order to free up funding for NOAA to complete its most important core functions.

Another bill in this package purports to modernize and enhance the Coastal Zone Management Act. This is my favorite. What it actually does is to place the seaside resort of Washington, D.C., into the Coastal Zone Management Act. Now, I don't deny that Washington is a world-class swamp, but it is not a coastal community, and placing it in a coastal zone doesn't make it one. What it does do is to rob legitimate coastal communities of funding and influence, and it opens the door to further encroachments as more and more inland cities seek to claim coastal zone status.

Another measure thrown into this package is H.R. 3115. This bill, which never had a hearing and was rushed

through markup, costs over \$631 million and inserts Federal priorities into coastal zone management, which counters the CZMA's original intention of assessing coastal management needs according to the unique and diverse conditions and desires of the communities along our coast.

□ 1500

Another measure thrown into this package is H.R. 1314, which reauthorizes the Integrated Ocean Observing System. Now, this system is good. It provides data to coastal communities and local fishermen on weather conditions. It is critical. So far, so good.

But then it follows up on very good public policy with very bad fiscal policy by providing open, limitless authorization of funds for the program. It should be amended to set specific authorization limits, as Senate versions of the measure have done.

Madam Chair, I fail to see how this package would provide new benefits to coastal States other than, apparently, the coastal community of Washington, D.C. Further, NOAA already does most of the work that this package claims to authorize. This is duplicative and wasteful of our resources at a time when the Nation is running dangerously high deficits.

And, as I said, it is going to require another \$1.4 billion of Federal spending; that is about \$11 from the earnings of every family in the country. I think that is an expensive press release for something that does so little that we are not already doing.

And, with that, I would ask that the bill be rejected.

Mr. CASE. Madam Chair, I yield 1 minute to the gentleman from South Carolina (Mr. CUNNINGHAM), a valued member of our Natural Resources Committee.

Mr. CUNNINGHAM. Madam Chair, Americans depend on their oceans. In Lowcountry, the ocean drives our tourism economy and is integral to who we are, which is why we need bold action to protect our coastal communities from the growing threats of sea level rise and storms, increasing both in frequency and severity.

H.R. 729 is an important step in this direction and will empower coastal communities to better prepare for and respond to our rapidly changing coastlines. It will promote development of climate-resilient shorelines that protect our coasts from storms and improve fish and wildlife habitats. It will shore up working waterfronts, which face their own challenges caused by a changing environment.

H.R. 729 will be a lifeline to our coastal communities at a time when they need it most, and I urge all my colleagues to join me in supporting this critical legislation.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Madam Chair, there is a reason that the Digital Coast Act is bipartisan and bicameral: We all have a stake in protecting our shorelines.

Our country's 95,000 miles of shoreline—not just our oceans, but our rivers, streams, and lakes—are home to more than 42 percent of our country's population and millions of businesses that supply most of our gross domestic product.

Unfortunately, current coastal maps and geospatial data are woefully inadequate, outdated, or even nonexistent.

My bill, the Digital Coast Act, which is part of this package, will allow professionals at NOAA to begin a comprehensive mapping process of our Nation's fragile shorelines.

Coastal communities will be able to use the data to better prepare for storms, manage floods, restore ecosystems, and plan smarter developments near America's coasts, harbors, ports, and shorelines.

NOAA will train decisionmakers at the local and State level on how to use the datasets to answer questions about storm surge, erosion, and water level trends. The data will also be available on NOAA's website for free and easy public access, so every citizen can leverage the expertise of the Federal Government.

Every day, planners in our hometowns are asking questions, such as, what is the storm surge in this community, how much is the bluff going to erode, or what are the water level trends at the marina where we want to build a new dock?

I represent Maryland, home of the Chesapeake Bay, which provides \$1 trillion to the economies of its watershed. So, protecting the shores of the bay means protecting jobs.

The bill's Republican cosponsor, Mr. DON YOUNG, represents Alaska, a State with 44,000 miles of coastline. There, they rely on their shipping channels for goods from the lower 48 States. They need mapping for search and rescue operations and to support the fishing industry, which is their largest private-sector employer.

The Digital Coast Act will arm local planners and managers with the high-tech data they need to make smart decisions and investments that could save people's lives.

In addition to the bill's Republican cosponsor, Congressman YOUNG, I would like to thank Chairman GRIJALVA and Ranking Member BISHOP for their hard work on this package, even though I understand Ranking Member BISHOP has some issues. And I also would like to thank Senators TAMMY BALDWIN and LISA MURKOWSKI for championing the bill in the Senate.

I urge all my colleagues to support this bill.

Mr. BISHOP of Utah. Madam Chair, I appreciate the gentleman from Maryland. He has got a good bill. It should be a suspension. We wouldn't even ask for a vote for it. There is nothing wrong that.

Mr. KILMER's H.R. 729 is a good, decent bill. What is so sad is the Democrats have decided to take these two decent bills that should be suspensions and hold them as hostage to tack a whole bunch of other really crappy stuff on with them as well, and that is the sad part of this.

Madam Chair, I reserve the balance of my time.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Madam Chair, I thank the gentleman from Hawaii for yielding the time.

I rise today in support of the Coastal and Great Lakes Communities Enhancement Act, H.R. 729. I also rise as a proud Floridian and as the chair of the House Select Committee on the Climate Crisis. Our select committee is tasked with developing a climate action plan in the coming months.

Communities across America are grappling with the rising costs of the climate crisis. Here in Congress, we are working to be good partners with our neighbors and communities back home and provide the tools they need to take care of America's diverse and vital coastal communities.

That is why, last month, I visited two of my colleagues in south Florida, Congresswoman DONNA SHALALA and Congresswoman DEBBIE MUCARSEL-POWELL—they are in the Florida Keys and Miami Beach—to see how their communities are responding to climate change. Here we are with Lad Akins of the National Marine Sanctuary Foundation. They are doing a lot, but we have to do more.

Across the Keys and Miami Beach, and all across this great country, local officials are taking bold action to adapt to sea level rise and make their communities more resilient, but they need our help.

That is why Congress must ramp up bold climate legislation, like this bill, which includes 10 separate measures to help coastal communities become more resilient.

One of these bills will create a grant program for coastal communities to create living shorelines. Another will expand the use of climate data, which is so vital to determining how we are going to mitigate and how we are going to adapt.

This Congress will continue to act on the climate crisis. Next spring, our select committee will release a bold climate action plan, which will serve as a roadmap for committees to take additional action.

But Chairman GRIJALVA and the Natural Resources Committee are ahead of the game, and I want to thank him and his committee members and professional staff for their deep commitment to America and the places we hold dear as we work to tackle the rising cost of climate.

Mr. BISHOP of Utah. Madam Chair, I yield 3 minutes to the gentleman from Oklahoma (Mr. KEVIN HERN) so he can

once again explain how there are three good bills in this package and a whole lot of other bad ones.

Mr. KEVIN HERN of Oklahoma. Madam Chair, as we heard in the Rules Committee debate yesterday, this package of bills before us is the first major package put forth by House Democrats to solve the climate crisis that we hear about daily.

Many House Democrats ran their last elections on the platform of putting forth real, tangible solutions to this situation. Unfortunately, they have not lived up to those promises and are letting their constituents down with this package.

As Ranking Member BISHOP mentioned, this package is a hodgepodge of provisions that reinstate current Federal authorities, all to the tune of nearly 1.4 billion taxpayer dollars.

Let's examine just a few of the provisions in this bill:

Section 102 authorizes a Living Shoreline Grant Program. According to the National Oceanic and Atmospheric Administration, "The agency currently provides financial and technical assistance to coastal communities for the use of living shorelines through existing programs." CBO estimates that this provision will cost American taxpayers \$300 million.

Section 103 authorizes the Working Waterfronts Grant Program. According to NOAA, "Under the CZMA, coastal States have the discretion to use funding for many of the purposes that would be addressed by the Working Waterfronts Grant Program." The CBO estimates this provision will cost American taxpayers upwards of \$23 million.

Section 106 authorizes coastal climate change adaptation planning and preparedness grants. According to NOAA, under the CZMA, coastal States already have the discretion to use funding to develop and implement adaptation plans. CBO estimates that this provision will cost American taxpayers upwards of \$114 million.

Subtitle A of title II authorizes the National Fish Habitat Conservation Through Partnerships program, at a cost to American taxpayers of nearly \$40 million. Supporters of this provision have stated its great success, which is very true. However, this program has been successfully leveraging Federal and State funds since 2006, all under existing Federal funding. That leads me to question why we are now authorizing an additional \$40 million for something that we have already been spending on since 2006.

Ultimately, this package is a deceitful attempt to act on climate policy. Democrats have promised sweeping policy reforms and under-delivered in a major way. I would urge my colleagues to oppose this misguided legislation.

Mr. CASE. Madam Chair, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Chair, I rise to support H.R. 729.

I thank Congressman CASE for yielding to me and call attention to the

Great Lakes Fishery Research Authorization Act, which authorizes the U.S. Geological Service Science Center for the Great Lakes and commend Congressman QUIGLEY for his hard work on the legislation.

This service protects the Great Lakes Fishery from voracious, destructive, invasive species that threaten the integrity of our entire Great Lakes system.

Today, in our district, the Geological Service is leading the charge to identify and contain grass carp, a pernicious invasive whose population threatens to explode but for the work of the Federal science agencies.

Every day, our country sits in neutral with inadequate direction to the Geological Service we allow invasive species to undermine the multibillion-dollar Great Lakes Fishery.

The Great Lakes have come a long way since the Cuyahoga River caught fire 60 years ago and since has healed, but we have a long way to go.

With this authorization, the Geological Service will be able to conduct deepwater ecosystem science to help us better understand fish movement and behavior; and, for my district, which contains the most productive, shallowest, and warmest \$7 billion fishery of the Great Lakes, the western basin of Lake Erie, the service's work protects the region's priceless ecological and economic future.

Madam Chair, I urge my colleagues to support H.R. 729.

Mr. CASE. Madam Chair, I yield such time as he may consume to the gentleman from Arizona (Mr. GRIJALVA), the chair of the full Natural Resources Committee.

Mr. GRIJALVA. Madam Chair, last week, I was honored to attend the United Nations Climate Change Conference with Speaker PELOSI and my Democratic colleagues in Congress.

That conference focused on the urgent need to prevent climate change from destroying our oceans. The consensus is clear: Oceans across the planet are already being damaged, and coastal communities everywhere are hurting.

At the conference, we were asked how we plan to respond to the climate crisis. We could either plan now and build a sustainable future or delay and pay a very, very heavy price. To me, that was an easy choice.

While we need to end our dependence on fossil fuels, we also need to plan for the impacts we already know are coming for millions of Americans.

This package of bills does that. Forty percent of Americans live in coastal counties. From fishing to shipping to recreation and tourism, American jobs depend on healthy, resilient coasts. These communities need the tools to protect themselves.

We need to support our coastal communities in their adaptation and resilience planning, especially indigenous and disadvantaged communities that are often most at risk. We need to sup-

port all these communities and fund adaptation and coastal planning that will protect these communities and their ways of life.

This bipartisan package, led by Members from across the country and across the aisle, will help communities on the front lines of climate change prepare for and respond to the impacts of climate change that endanger livelihoods, communities, and ecosystems.

I commend the many sponsors on this important work and urge my colleagues to support H.R. 729.

□ 1515

Mr. CASE. Madam Chair, I yield 2 minutes to the gentlewoman from Maine (Ms. PINGREE).

Ms. PINGREE. Madam Chair, I thank the gentleman from Hawaii for yielding. I thank Chairman GRIJALVA for his work on this committee, and I thank the ranking member even though we don't seem to agree on too much about this bill.

I rise today in support of H.R. 729, which includes my bipartisan bill to protect America's working waterfronts at a time when environmental pressures and rapid development threaten their future. More than 30,000 Mainers rely on marine-related industries for their livelihoods. Yet out of 5,000 miles of coastline, just 20 miles of workable waterfront remain in our State.

Coastal communities across the country are feeling that same squeeze. Further reducing our usable coastline will adversely impact everything from aquaculture and boatbuilding to coastal tourism and commercial fishing.

My bill will help to reverse this disturbing nationwide trend of shrinking waterfronts. It will protect jobs and preserve the character of coastal communities. It establishes a working waterfronts grant program and a 5-year loan fund pilot program for waterfront preservation. It sets up a task force within the Department of Commerce to identify and prioritize critical needs for the Nation's working waterfronts.

Through the task force, the bill will also help communities identify and mitigate the impacts of the climate crisis. At a time when 42 percent of Americans live in coastal communities, this task force is not only a vital planning measure for today, it will support the generations who will follow us.

For 8 years, House leadership on the other side stalled critical initiatives like this one to address the climate crisis. The scope and severity of this crisis require comprehensive action. Though my bill addresses just one small piece, it will make all the difference for communities in my State and across the country.

I urge my colleagues to join me in support of working waterfronts and vote "yes" on this bill.

Mr. CASE. Madam Chair, I yield 90 seconds to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Madam Chair, I thank the gentleman from Hawaii for yielding.

Madam Chair, I rise in support of the Coastal and Great Lakes Communities Enhancement Act, which includes legislation to improve ocean data collection and information sharing between Federal agencies and coastal observation partners.

Our coastal communities rely on accurate ocean data and monitoring for information about ocean acidification, harmful algal blooms and hypoxia forecasting, tsunami preparedness, navigation, and port security.

I worked with my fellow co-chair of the House Oceans Caucus, DON YOUNG, to reintroduce the Integrated Coastal Ocean Observing System Act, which is included in this bill and will allow the Integrated Ocean Observing System to strengthen its work using satellites, buoys, underwater gliders, and tide gauges to deliver accurate and continuous data on our oceans and coasts.

Mapping the ocean floor is expected to be a top priority as the United Nations' Decade of Ocean Science for Sustainable Development begins in 2021. We must strengthen investments in the Integrated Ocean Observing System and ocean monitoring so we can meaningfully contribute to these efforts.

I thank my colleague from Alaska (Mr. YOUNG) for his leadership on this issue, and I thank Chairman GRIJALVA for his support. I encourage my colleagues to support this bill.

Mr. BISHOP of Utah. Madam Chair, I yield myself 2 minutes.

Madam Chair, one of the things that the other side has been talking about is how we need a vision and need to plan for the future, which is true. The only problem is that the stuff we have before us isn't it. This is a collection of minor programs that already exist and changing them in ways that sometimes make no difference but sometimes have some negative counterpoints.

There is one bill that was just talked about here that if there is a default on that bill, all of the sudden now, the Federal Government is on the hook to pay for that. It was never that way before.

Those are minor changes that if we were handling these bills separately, if they were actually being done in an appropriate way, we could talk about those minor changes in there. But once you put them all together in a package with a couple of really good things to lead the way, everything kind of falls in place.

Let me give you another example. One of the issues that comes in the folder of bills that are underneath this is the Sea Grant Fellowship Program, which is currently discretionary. This bill would make it mandatory. Sounds kind of nice.

The program places fellows in the executive branch. We have no problem with that whatsoever, but what this bill would do, one of the things in the weeds of this concoction of bills that has been cobbled together, is it would use taxpayer dollars to supply free staff for Members of Congress. That concept is just plain wrong.

The underlying program is not bad. Reauthorizing is not bad. That one change in there is wrong. If we were doing these bill-by-bill, talking about them one-by-one instead of trying to add them all together in a big package of nothing, if we were dealing with that, we could be talking about those specific issues and making those kinds of decisions.

That is the way legislation ought to be done. This is not the way legislation ought to be done.

Madam Chair, I reserve the balance of my time.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Chair, I thank my good friend for yielding, and I want to assure the ranking member that the program I am discussing does not already exist, but it should.

I rise today to express my strong support for the Coastal and Great Lakes Communities Enhancement Act, which includes the text of my bill, the District of Columbia Flood Prevention Act of 2019. I thank my friend Natural Resources Committee chair RAÚL GRIJALVA and Water, Oceans, and Wildlife Subcommittee chair JARED HUFFMAN for including my bill in this legislation.

This legislation would amend the Coastal Zone Management Act of 1972 to include the Nation's capital in the definition of "coastal state." Our bill would correct an apparent oversight in the omission of the District of Columbia from the CZMA and would make the District eligible to receive Federal coastal zone management funding, including flood mitigation and prevention funds for the Nation's capital.

Importantly, the District is located on two rivers, the Anacostia and the Potomac, which are tidally influenced and show tangible salt water effects and fish and are a part of an intertidal zone existing between high and low maritime tides. D.C. has suffered substantial coastal floods in the past and has also experienced numerous instances of riverine and interior flooding, such as the massive flood of 2006, which flooded Constitution Avenue and caused millions of dollars in damage to the National Archives, the Internal Revenue Service, and other Federal buildings.

Despite these factors, D.C. was omitted from the list of eligible States and territories in the CZMA. The oversight probably occurred because the CZMA was passed in 1972 before the District achieved home rule. Because territories are included in the definition of "coastal states" under the CZMA, it appears that the District omission is a mistake which only Congress can correct.

I appreciate the gentleman for including my bill in this bill.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentlewoman from Michigan (Mrs. DINGELL), a member of the Natural Resources Committee.

Mrs. DINGELL. Madam Chair, I rise in support of H.R. 729, the Coastal and Great Lakes Communities Enhancement Act. This strong, bipartisan package is a combination of months of work in the Natural Resources Committee. It includes many key priorities for the Great Lakes region, including Representative QUIGLEY's Great Lakes Fishery Research Authorization Act.

This bipartisan legislation will strengthen our understanding of Great Lakes fisheries and provide additional resources for research into the Great Lakes Basin's fisheries and biology.

Cutting-edge technologies authorized by the Great Lakes Fishery Research Reauthorization Act will enable scientists to deliver near-real-time data on quickly emerging crises, such as potential fisheries crashes or new and very unwelcome invasive species like the Asian carp.

Additionally, the package includes key sportsmen's priorities like the National Fish Habitat Conservation Through Partnerships Act, which builds off State- and locally led joint ventures to better conserve wildlife and fish habitats.

As one of the co-chairs of the Great Lakes Task Force here in Congress, I urge all of my colleagues to support these important provisions and vote in favor of the Coastal and Great Lakes Communities Enhancement Act.

Mr. BISHOP of Utah. Madam Chair, I yield 3 minutes to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Madam Chair, I thank the gentleman from Utah for yielding.

Madam Chair, I was sitting in my office in a meeting and looked up at the TV screen on C-SPAN, and I watched our distinguished chairman put up a chart that said that for every \$1 you invest in proactive predisaster mitigation, you get \$6 in cost savings.

I was somewhat shocked because I have used that statistic over and over again, and I have also used the statistic that the Congressional Budget Office has a study that says you get \$3 in cost savings for every \$1 you invest. The Corps of Engineers has a study that says you get \$7.92 for every \$1 you invest. The National Institutes for Building Standards says you get \$11 in cost savings for every \$1 you invest.

You know what? Every single time I have tried to do this, my good friend has voted against me—every single time.

This bill is designed to send out press releases. Let me be clear: Right now, we have well over \$100 billion in resiliency projects that are needed across the Nation. Just last year, under a Republican Congress, we put tens of billions of dollars into funding those resiliency projects through the Corps of Engineers, through FEMA. So taking an existing program that manages our coastal resources and expanding the eligibility, expanding the uses of funding without adding new funds, all that is doing is further complicating the

very mission that the majority is trying to achieve.

The bill goes on further to give USGS permanent authority, or at least authorizing them over the long-term, for fisheries management—you know, USGS, our fisheries agency. No, they don't manage fisheries. That would be NOAA.

This program also takes funds and does a set-aside of authorization for Tribes under a coastal zone. We have learned over and over again that the way that you manage your coastal resources is by integrated management, not by breaking it up further and further into smaller and smaller pieces.

We already have 35 coastal States and territories. We need to have integrated management. We don't need to have Louisiana doing something to mess up Mississippi or Texas. We need to make sure that we are looking at it holistically as a Nation.

I have been one of the biggest advocates in this Congress for being proactive and making investments in our communities. I represent south Louisiana, one of the most disaster-impacted areas in our entire Nation. The people I represent have been through it all, Hurricanes Katrina, Rita, Gustav, Ike, Isaac. We have had high water on the Mississippi River 4 years of the last 6, record high water draining from Montana to New York to Canada on down.

This is not the right approach. This is a flawed approach.

I can't even believe I am standing here. My friends have voted against me every single time we have tried to do thoughtful, integrated approaches to protect our coastal communities, protect our ecological resources. To come in and do this in a partisan manner and do it in a way that is totally hypocritical over previous actions is ridiculous.

Madam Chair, I urge rejection of this bill and ask that we sit down in a bipartisan manner and work out bipartisan solutions.

Mr. BISHOP of Utah. Madam Chair, I yield myself the balance of my time.

What the gentleman from Louisiana was saying is exactly right. Actually, he had an amendment that could have helped with that problem that was not made in order by our crack Rules Committee. I am sure if he would promise to shave next time he speaks, they probably would make it in order the next time we have this bill.

□ 1530

Not only are there a lot of bills that are basically meaningless because the authority is already there, there are a few situations simply when the new additions to it do not make sense.

One of the speakers in here was talking about one of the coastal zone management amendments to add Washington, D.C., to the coastal zone management plan, which would be good except that, first of all, Washington, D.C., is not a State, and, secondly, it is not even a coastal State.

It would actually make more sense to have my hometown, because at least we are on the Great Salt Lake and have brackish water that could be included in part of this thing.

It also would make a problem of simply reducing the total amount of funds that go to the 35 States that actually have their programs already here. It is not a problem for Utah. We are not part of it. But those States that have coasts, they will have their programs reduced because of this.

More importantly, it provides jurisdictional problems in how the city of Washington, D.C., would interface with the Federal Government.

Now, those are not insurmountable problems, but they should have been worked out, and they could have been worked out if you are actually dealing with these things in a logical, sequential way instead of lumping them all together into some kind of overall program that actually doesn't necessarily meet the guidelines of what we are trying to accomplish.

But, as I said, there are three of these bills that are in here that could easily have gone in suspension. We would have done it.

There is another bill in here that, had one amendment been made, it would have easily solved the problem, and it should have been done.

But for the bulk of these bills—minor changes in here, but the bulk of these bills can actually be done under current statutory authority.

As we had testimony from NOAA, on one of the bills, they simply said the agency already provides financial and technical assistance through existing programs. There was no reason to add that particular bill to this list.

Another one that was on this list that tries to do the CZMA, under their authority, States have discretion to use funding for many of the purposes of the working waterfronts grant program that were proposed by this particular bill. They can do it now. There is no additional authority that is needed.

Then, another one of the bills that is part of this faldral of legislation under one umbrella said that the coastal States already have discretion to use funding to develop and implement adoption plans, and they gave a specific example of how one of the States that does use that, NOAA gave the example of how that flexibility already exists.

But we are saying over and over again, one of the problems we have with this is that you have taken one really decent bill by Mr. KILMER, a couple of others that should have easily been in suspensions, and have used them as a hostage to add up a whole bunch of other stuff to it.

Then, if you look at some of the amendments that were made in order, obviously, when you take other bills that have not had hearings, they haven't gone through the process, we are going to try and now add them on to this, well, why would anyone want

to do that, except we are giving the illusion of getting something done.

And this is the only game in town that is going through, so why not try and put as many bills as you can? That way, somebody could stand up and say, "Look, we just passed 16 bills. Wouldn't it be nice if the Senate picked them up?"

Well, that is not the way we are doing it. We are adding 16 bills. Most of them have no Senate counterpart. Most of them will never be done in the Senate. If the Senate actually deals with this issue at all, they are going to separate it and divide it up and do it piecemeal, which is the way we should have done it in the first particular place.

If this package of bills is really a philosophy, a vision of the future of what we are going to do to make either the air better or the climate safer or water more drinkable, it doesn't happen in this bill.

These things are simply a retread of ideas that, in reality, the authority they are trying to develop is actually already in existence. They are doing it. Except that every once in awhile, in one of these bills, you will add a little tweak here or a little tweak there that basically is something that is wrong, that it should not be doing:

Creating a program to provide interns for our offices without having it come out of our own budgets, that is not a great idea, but it is in here;

Creating new areas for something that is not a State, that is not even a coastal State, so they can get part of that money, that is not a great idea, but it is part of it that is in here.

Those are the things that, if we did things per regular order, if we actually tried to be logical about taking a bill and discussing it and then coming up with a solution to some of the problems, we could easily do that in a bipartisan way.

But we don't do that. Instead, we just lump everything together in one package in an effort to say, "Look, we are being productive." But we are not solving a problem. We are not doing anything that is moving the ball forward. All we are doing is checking a box, saying, yes, we were here on this particular day, and giving the illusion of some kind of activity.

What we really need is activity. What we really need is to get on with things that are of significance that should have been done well before now, like the NDAA and the trade treaty and our budget and the backlog maintenance bill. All of those things should be done, but they are not being scheduled.

And still we are coming up with a series of bills that don't make the case; they are not ready for prime time.

This is a package that we will send over to the Senate, if indeed it is passed in here, and it will be ignored or it will be stripped apart; and we will be asking the Senate to do what we should have done in the first place: taking these things in a logical, se-

quential way, trying to solve some of the major problems that are there.

And reauthorizing something that is already in existence doesn't need to actually be something we spend our time doing that particular thing.

So, actually, in the spirit of Christmas, you'll be sorry if you are actually going to vote for this. Only if you spell "you'll," Y-U-L-E, and then it can be a pun.

Is the gentleman satisfied?

Madam Chair, this is fun.

This is not a solution. This is not a vision. This is not anything that really moves us forward. This is something that should have and could have been done in a much, much better way.

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

Mr. CASE. Madam Chair, I yield myself the balance of my time.

Madam Chair, first of all, I thank the members of my majority who rose in favor of this bill as well as the few members of the minority who did as well.

And I again thank the 24 Republicans who supported a portion of this bill that is at least a start on the challenge of our time: climate change and the impacts on our oceans, on our coastlines, and on our lakes.

The ranking member complains on several fronts. The first front he complains on is that this is just an illusion, that this is just moving the ball nowhere at all.

I completely reject that. I completely reject the notion that strengthening our Federal programs that are directly related to resiliency of our coastlines, that are directly related to good science applied to our oceans and lakes, that are directly related to finding good, solid public-private partnerships to address the incredible negative impacts of climate change and other causes on our oceans and coastlines is not moving the ball forward.

In fact, I would suggest that the illusion we are talking about is the illusion that the ranking member cares at all about these issues because, if you look at the record of addressing these issues under the Republican majority, that record is zero. They have not moved any balls forward whatsoever.

And further, pardon me for distrusting the current administration, because the ranking member complains that NOAA and other Federal agencies are already exercising flexibility on many of these programs—fine. Administrative flexibility is one thing, and all power to good people and NOAA who are trying to do the right thing, but that is different from a congressional mandate to do something.

The reason for the concern is staring us in the face. Every year of this administration, there have been proposed disastrous budget cuts to NOAA and other ocean-related programs. For the current fiscal year, 2020, a cut of 18 percent was restored by the House majority: cuts to eliminate or severely decrease funding to our critical ocean

and coastal programs, Sea Grant, coastal zone management, National Centers for Coastal Ocean Science, hydrographic surveys and ocean observing, climate change research, programs that manage coral reefs and marine mammals and sea turtles, and many more.

So pardon me if we are distrustful of this administration or of future administrations on severely restricting the flexibility that these programs have to administer critical needs for not only our country, but our world.

Pardon me, but it is a congressional mandate in these areas that is really necessary.

The ranking member and his colleagues complain that we are not advancing climate change by a step. If they want to advance climate change with us, then join us in a major climate change initiative; join us in returning to the Paris climate accord; join us across the board.

The ranking member complains that no due consideration was given to these many bills. In fact, these bills were heard; they were discussed; and, with the exception of the gentleman from Louisiana (Mr. GRAVES), there were no Republican amendments offered to any of these bills.

The gentleman from Oklahoma (Mr. KEVIN HERN) complains that we should not spend more on our oceans, lakes, and coastal cities; we should not anticipate disaster mitigation. The gentleman from Louisiana (Mr. GRAVES) argues that, in fact, there is not a positive cost benefit in these programs and their funding going forward.

The citation for that information is the National Institute of Building Sciences, based on 23 years' worth of data from FEMA, the Economic Development Administration, and HUD.

Investments upfront for the impacts of climate change and other man-made causation to our oceans and lakes and coastlines is, in fact, a major return to not only our communities, but to all parts of our country.

The gentleman complains, and the minority would have you believe, that this is a mandatory increase of over \$1 billion in Federal funding. It is not. It is discretionary, in large part, to the Appropriations Committee.

So, as we go into the amendment process, I appreciate my colleagues' support, and I truly hope that this can be a bipartisan bill.

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

Mr. ROUDA. Madam Chair, I commend my colleagues on the Natural Resources Committee and the authors of the bill's various provisions and amendments for their work on H.R. 729, the Coastal and Great Lakes Communities Enhancement Act. I am proud to support this critical bill aimed at equipping coastal and great lakes communities with the tools they need to enhance resiliency planning efforts; implement forward-thinking solutions to address intense climate impacts; and ensure a cleaner, safer, and more sustainable future.

Orange County is ground zero for the climate crisis. Families living on the coast know

that rising sea-levels, frequent flooding, coastal erosion, and increasingly severe weather events are a clear and present danger to our lives and livelihoods. This legislation protects and preserves coastline, helps communities create and enact resiliency measures, and improves ocean monitoring and research. Climate change is here, and we must continue to take bold and swift action to protect coastal communities.

The first of my two amendments to the Coastal and Great Lakes Communities Enhancement act authorizes a prize competition to stimulate innovation to advance coastal risk and resilience measures. My second amendment requires the development of a catalog of research on applicable coastal risk reduction and resilience measures to evaluate effectiveness, eliminate redundancies, encourage cooperation, and make research findings available to the public. These amendments strengthen the underlying bill, and I appreciate the opportunity to offer to advocate for the millions of Americans who live and work in coastal communities.

I urge adoption of my amendments to this important piece of legislation and final passage of the Coastal and Great Lakes Communities Enhancement Act.

Ms. NORTON. Madam Chair, I rise to express my strong support for the Coastal and Great Lakes Communities Enhancement Act (H.R. 729), which contains a number of important provisions, including the text of my bill, the District of Columbia Flood Prevention Act of 2019 (H.R. 2185). I thank my friend, Natural Resources Committee Chair RAÚL GRIJALVA, and Water, Oceans, and Wildlife Subcommittee Chair JARED HUFFMAN, for including my bill in this legislation. This legislation would amend the Coastal Zone Management Act of 1972 (CZMA) to include the nation's capital in the definition of "coastal state." Our bill would correct an apparent oversight in the omission of the District of Columbia from the CZMA and would make the District eligible to receive federal coastal zone management funding, including flood mitigation and prevention funds.

Importantly, the District is located on two rivers, the Anacostia and Potomac Rivers, which are tidally influenced and show tangible salt water effects (and fish) and are part of an "intertidal-zone" existing between high and low maritime tides. D.C. has suffered substantial coastal floods in the past and has also experienced numerous instances of riverine and interior flooding, such as the massive flood of 2006 which flooded Constitution Avenue and caused millions of dollars in damage to the National Archives, the Internal Revenue Service and other federal buildings.

Despite these factors, D.C. was omitted from the list of eligible states and territories in the CZMA. This oversight probably occurred because the CZMA was passed in 1972—before the District achieved home rule. Because territories are included in the definition of "coastal states" under the CZMA, it appears that D.C.'s omission is a mistake, which only Congress can correct.

A member of the other side complained that the District should not be included in the bill. However, scientists have predicted that the tides on the Atlantic Coast could rise two to four feet by the year 2100, causing private and federal property worth as much as \$7 billion in the District to be routinely under threat by floodwaters. Because of these factors, the

District should be eligible under the CZMA, just like the states and territories already listed in the CZMA.

I urge support for this bill.

The CHAIR. All time for debate has expired.

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

An amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-40 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 729

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

#### **SECTION 1. FRONT MATTER.**

(a) **SHORT TITLE.**—This Act may be cited as the "Coastal and Great Lakes Communities Enhancement Act".

(b) **DETERMINATION OF BUDGETARY EFFECTS.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

#### *Sec. 1. Front matter.*

##### **TITLE I—COASTAL RESILIENCE AND ECONOMIC ENHANCEMENT**

*Sec. 101. Grants to further achievement of Tribal coastal zone objectives.*

*Sec. 102. Living Shoreline Grant Program.*

*Sec. 103. Working Waterfronts Grant Program.*

*Sec. 104. Working Waterfronts Preservation Fund; grants.*

*Sec. 105. Eligibility of District of Columbia for Federal funding under the Coastal Zone Management Act of 1972.*

*Sec. 106. Climate change preparedness in the coastal zone.*

##### **TITLE II—FISHERY RESEARCH AND CONSERVATION**

##### *Subtitle A—National Fish Habitat Conservation Through Partnerships*

*Sec. 201. Purpose.*

*Sec. 202. Definitions.*

*Sec. 203. National Fish Habitat Board.*

*Sec. 204. Fish Habitat Partnerships.*

*Sec. 205. Fish Habitat Conservation Projects.*

*Sec. 206. Technical and scientific assistance.*

*Sec. 207. Coordination with States and Indian Tribes.*

*Sec. 208. Interagency Operational Plan.*

*Sec. 209. Accountability and reporting.*

*Sec. 210. Effect of this subtitle.*

*Sec. 211. Nonapplicability of Federal Advisory Committee Act.*

*Sec. 212. Funding.*

*Sec. 213. Prohibition against implementation of regulatory authority by Federal agencies through Partnerships.*

##### *Subtitle B—Great Lakes Fishery Research Authorization*

*Sec. 214. Definitions.*

*Sec. 215. Findings.*

*Sec. 216. Great Lakes monitoring, assessment, science, and research.*

*Sec. 217. Authorization of appropriations.*



**TITLE III—MEETING 21ST CENTURY OCEAN  
AND COASTAL DATA NEEDS**

**Subtitle A—Digital Coast**

Sec. 301. Findings.

Sec. 302. Definitions.

Sec. 303. Establishment of the Digital Coast.

**Subtitle B—Integrated Coastal and Ocean  
Observation System**

Sec. 304. Staggered terms for National Integrated Coastal and Ocean Observation System Advisory Committee.

Sec. 305. Integrated coastal and ocean observation system cooperative agreements.

Sec. 306. Reauthorization of Integrated Coastal and Ocean Observation System Act of 2009.

**TITLE IV—NATIONAL SEA GRANT COLLEGE  
PROGRAM AMENDMENTS**

Sec. 401. References to the National Sea Grant College Program Act.

Sec. 402. Modification of Dean John A. Knauss Marine Policy Fellowship.

Sec. 403. Modification of authority of Secretary of Commerce to accept donations for National Sea Grant College Program.

Sec. 404. Repeal of requirement for report on coordination of oceans and coastal research activities.

Sec. 405. Reduction in frequency required for National Sea Grant Advisory Board report.

Sec. 406. Modification of elements of National Sea Grant College Program.

Sec. 407. Direct hire authority; Dean John A. Knauss Marine Policy Fellowship.

Sec. 408. Authorization of appropriations for National Sea Grant College Program.

Sec. 409. Technical corrections.

**TITLE I—COASTAL RESILIENCE AND  
ECONOMIC ENHANCEMENT**

**SEC. 101. GRANTS TO FURTHER ACHIEVEMENT OF  
TRIBAL COASTAL ZONE OBJECTIVES.**

(a) **GRANTS AUTHORIZED.**—The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

**“SEC. 320. GRANTS TO FURTHER ACHIEVEMENT  
OF TRIBAL COASTAL ZONE OBJECTIVES.**

“(a) **GRANTS AUTHORIZED.**—The Secretary may award competitive grants to Indian Tribes to further achievement of the objectives of such a Tribe for its Tribal coastal zone.

“(b) **COST SHARE.**—

“(1) **IN GENERAL.**—The Federal share of the cost of any activity carried out with a grant under this section shall be—

“(A) in the case of a grant of less than \$200,000, 100 percent of such cost; and

“(B) in the case of a grant of \$200,000 or more, 95 percent of such cost, except as provided in paragraph (2).

“(2) **WAIVER.**—The Secretary may waive the application of paragraph (1)(B) with respect to a grant to an Indian Tribe, or otherwise reduce the portion of the share of the cost of an activity required to be paid by an Indian Tribe under such paragraph, if the Secretary determines that the Tribe does not have sufficient funds to pay such portion.

“(c) **COMPATIBILITY.**—The Secretary may not award a grant under this section unless the Secretary determines that the activities to be carried out with the grant are compatible with this title and that the grantee has consulted with the affected coastal state regarding the grant objectives and purposes.

“(d) **AUTHORIZED OBJECTIVES AND PURPOSES.**—Amounts awarded as a grant under this section shall be used for one or more of the objectives and purposes authorized under subsections (b) and (c), respectively, of section 306A.

“(e) **FUNDING.**—Of amounts appropriated to carry out this Act, \$5,000,000 is authorized to carry out this section for each fiscal year.

“(f) **DEFINITIONS.**—In this section:

“(1) **INDIAN LAND.**—The term ‘Indian land’ has the meaning that term has under section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

“(2) **INDIAN TRIBE.**—The term ‘Indian Tribe’ means an Indian tribe, as that term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) **TRIBAL COASTAL ZONE.**—The term ‘Tribal coastal zone’ means any Indian land of an Indian Tribe that is within the coastal zone.

“(4) **TRIBAL COASTAL ZONE OBJECTIVE.**—The term ‘Tribal coastal zone objective’ means, with respect to an Indian Tribe, any of the following objectives:

“(A) Protection, restoration, or preservation of areas in the Tribal coastal zone of such Tribe that hold—

“(i) important ecological, cultural, or sacred significance for such Tribe; or

“(ii) traditional, historic, and esthetic values essential to such Tribe.

“(B) Preparing and implementing a special area management plan and technical planning for important coastal areas.

“(C) Any coastal or shoreline stabilization measure, including any mitigation measure, for the purpose of public safety, public access, or cultural or historical preservation.”

(b) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall issue guidance for the program established under the amendment made by subsection (a), including the criteria for awarding grants under such program based on consultation with Indian Tribes (as that term is defined in that amendment).

(c) **USE OF STATE GRANTS TO FULFILL TRIBAL OBJECTIVES.**—Section 306A(c)(2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended by striking “and” after the semicolon at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting “; and”, and by adding at the end the following:

“(F) fulfilling any Tribal coastal zone objective (as that term is defined in section 320).”

(d) **OTHER PROGRAMS NOT AFFECTED.**—Nothing in this section shall be construed to affect the ability of an Indian Tribe to apply for, receive assistance under, or participate in any program authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) or other related Federal laws.

**SEC. 102. LIVING SHORELINE GRANT PROGRAM.**

(a) **ESTABLISHMENT.**—The Administrator shall make grants to eligible entities for purposes of—

(1) designing and implementing large- and small-scale, climate-resilient living shoreline projects; and

(2) applying innovative uses of natural materials and systems to protect coastal communities, habitats, and natural system functions.

(b) **PROJECT PROPOSALS.**—To be eligible to receive a grant under this section, an eligible entity shall—

(1) submit to the Administrator a proposal for a living shoreline project, including monitoring, data collection, and measurable performance criteria with respect to the project; and

(2) demonstrate to the Administrator that the entity has any permits or other authorizations from local, State, and Federal government agencies necessary to carry out the living shoreline project or provide evidence demonstrating general support from such agencies.

(c) **PROJECT SELECTION.**—

(1) **DEVELOPMENT OF CRITERIA.**—The Administrator shall select eligible entities to receive grants under this section based on criteria developed by the Administrator, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, such as the

Office of Habitat Conservation, the Office for Coastal Management, and the Restoration Center.

(2) **CONSIDERATIONS.**—In developing criteria under paragraph (1) to evaluate a proposed living shoreline project, the Administrator shall take into account—

(A) the potential of the project to protect the community and maintain the viability of the environment, such as through protection of ecosystem functions, environmental benefits, or habitat types, in the area where the project is to be carried out;

(B) the historic and future environmental conditions of the project site, particularly those environmental conditions affected by climate change;

(C) the ecological benefits of the project; and

(D) the ability of the entity proposing the project to demonstrate the potential of the project to protect the coastal community where the project is to be carried out, including through—

(i) mitigating the effects of erosion;

(ii) attenuating the impact of coastal storms and storm surge;

(iii) mitigating shoreline flooding;

(iv) mitigating the effects of sea level rise, accelerated land loss, and extreme tides;

(v) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems; or

(vi) such other forms of coastal protection as the Administrator considers appropriate.

(3) **PRIORITY.**—In selecting living shoreline projects to receive grants under this section, the Administrator shall give priority consideration to a proposed project to be conducted in an area—

(A) for which the President has declared, during the 10-year period preceding the submission of the proposal for the project under subsection (b), that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) because of a hurricane, tropical storm, coastal storm, or flooding; or

(B) that has a documented history of coastal erosion or frequent coastal inundation during that 10-year period.

(4) **MINIMUM STANDARDS.**—

(A) **IN GENERAL.**—The Administrator shall develop minimum standards to be used in selecting eligible entities to receive grants under this section, taking into account—

(i) the considerations described in paragraph (2); and

(ii) the need for such standards to be general enough to accommodate concerns relating to specific project sites.

(B) **CONSULTATIONS.**—In developing standards under subparagraph (A), the Administrator—

(i) shall consult with relevant offices of the National Oceanic and Atmospheric Administration, such as the Office of Habitat Conservation, the Office for Coastal Management, and the Restoration Center; and

(ii) may consult with—

(I) relevant interagency councils, such as the Estuary Habitat Restoration Council;

(II) State coastal management agencies; and

(III) relevant nongovernmental organizations.

(d) **USE OF FUNDS.**—A grant awarded under this section to an eligible entity to carry out a living shoreline project may be used by the eligible entity only—

(1) to carry out the project, including administration, design, permitting, entry into negotiated indirect cost rate agreements, and construction; and

(2) to monitor, collect, and report data on the performance (including performance over time) of the project, in accordance with standards issued by the Administrator under subsection (f)(2).

(e) **COST-SHARING.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), an eligible entity that receives a grant under this section to carry out a living shoreline

project shall provide, from non-Federal sources, funds or other resources (such as land or conservation easements or in-kind matching from private entities) valued at not less than 50 percent of the total cost, including administrative costs, of the project.

(2) **REDUCED MATCHING REQUIREMENT FOR CERTAIN COMMUNITIES.**—The Administrator may reduce or waive the matching requirement under paragraph (1) for an eligible entity representing a community or nonprofit organization if—

(A) the eligible entity submits to the Administrator in writing—

(i) a request for such a reduction and the amount of the reduction; and

(ii) a justification for why the entity cannot meet the matching requirement; and

(B) the Administrator agrees with the justification.

(f) **MONITORING AND REPORTING.**—

(1) **IN GENERAL.**—The Administrator shall require each eligible entity receiving a grant under this section (or a representative of the entity) to carry out a living shoreline project—

(A) to transmit to the Administrator data collected under the project;

(B) to monitor the project and to collect data on—

(i) the ecological benefits of the project and the protection provided by the project for the coastal community where the project is carried out, including through—

(I) mitigating the effects of erosion;

(II) attenuating the impact of coastal storms and storm surge;

(III) mitigating shoreline flooding;

(IV) mitigating the effects of sea level rise, accelerated land loss, and extreme tides;

(V) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems; or

(VI) such other forms of coastal protection as the Administrator considers appropriate; and

(ii) the performance of the project in providing such protection;

(C) to make data collected under the project available on a publicly accessible internet website of the National Oceanic and Atmospheric Administration; and

(D) not later than one year after the entity receives the grant, and annually thereafter until the completion of the project, to submit to the Administrator a report on—

(i) the measures described in subparagraph (B); and

(ii) the effectiveness of the project in increasing protection of the coastal community where the project is carried out through living shorelines techniques, including—

(I) a description of—

(aa) the project;

(bb) the activities carried out under the project; and

(cc) the techniques and materials used in carrying out the project; and

(II) data on the performance of the project in providing protection to that coastal community.

(2) **GUIDELINES.**—In developing guidelines relating to paragraph (1)(C), the Administrator shall consider how additional data could safely be collected before and after major disasters or severe weather events to measure project performance and project recovery.

(3) **STANDARDS.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, relevant interagency councils, and relevant nongovernmental organizations, issue standards for the monitoring, collection, and reporting under subsection (d)(2) of data regarding the performance of living shoreline projects for which grants are awarded under this section.

(B) **REPORTING.**—The standards issued under subparagraph (A) shall require an eligible entity receiving a grant under this section to report the data described in that subparagraph to the Administrator on a regular basis.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$50,000,000 to the Administrator for each of fiscal years 2020 through 2025 for purposes of carrying out this section.

(h) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means any of the following:

(A) A unit of a State or local government.

(B) An organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

(C) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(3) **LIVING SHORELINE PROJECT.**—The term “living shoreline project”—

(A) means a project that—

(i) restores or stabilizes a shoreline, including marshes, wetlands, and other vegetated areas that are part of the shoreline ecosystem, by using natural materials and systems to create buffers to attenuate the impact of coastal storms, currents, flooding, and wave energy and to prevent or minimize shoreline erosion while supporting coastal ecosystems and habitats;

(ii) incorporates as many natural elements as possible, such as native wetlands, submerged aquatic plants, oyster shells, native grasses, shrubs, or trees;

(iii) utilizes techniques that incorporate ecological and coastal engineering principles in shoreline stabilization; and

(iv) to the extent possible, maintains or restores existing natural slopes and connections between uplands and adjacent wetlands or surface waters;

(B) may include the use of—

(i) natural elements, such as sand, wetland plants, logs, oysters or other shellfish, submerged aquatic vegetation, native grasses, shrubs, trees, or coir fiber logs;

(ii) project elements that provide ecological benefits to coastal ecosystems and habitats in addition to shoreline protection; and

(iii) structural materials, such as stone, concrete, wood, vinyl, oyster domes, or other approved engineered structures in combination with natural materials; and

(C) may include a project that expands upon or restores natural living shorelines or existing living shoreline projects.

(4) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

#### **SEC. 103. WORKING WATERFRONTS GRANT PROGRAM.**

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

#### **“SEC. 321. WORKING WATERFRONTS GRANT PROGRAM.**

**“(a) WORKING WATERFRONT TASK FORCE.**—

**“(1) ESTABLISHMENT AND FUNCTIONS.**—The Secretary of Commerce shall establish a task force to work directly with coastal States, user groups, and coastal stakeholders to identify and address critical needs with respect to working waterfronts.

**“(2) MEMBERSHIP.**—The members of the task force shall be appointed by the Secretary of Commerce, and shall include—

**“(A)** experts in the unique economic, social, cultural, ecological, geographic, and resource concerns of working waterfronts; and

**“(B)** representatives from the National Oceanic and Atmospheric Administration’s Office of Coastal Management, the United States Fish and Wildlife Service, the Department of Agriculture, the Environmental Protection Agency,

the United States Geological Survey, the Navy, the National Marine Fisheries Service, the Economic Development Agency, and such other Federal agencies as the Secretary considers appropriate.

**“(3) FUNCTIONS.**—The task force shall—

**“(A)** identify and prioritize critical needs with respect to working waterfronts in States that have a management program approved by the Secretary of Commerce pursuant to section 306, in the areas of—

**“(i)** economic and cultural importance of working waterfronts to communities;

**“(ii)** changing environments and threats working waterfronts face from environment changes, trade barriers, sea level rise, extreme weather events, ocean acidification, and harmful algal blooms; and

**“(iii)** identifying working waterfronts and highlighting them within communities;

**“(B)** outline options, in coordination with coastal States and local stakeholders, to address such critical needs, including adaptation and mitigation where applicable;

**“(C)** identify Federal agencies that are responsible under existing law for addressing such critical needs; and

**“(D)** recommend Federal agencies best suited to address any critical needs for which no agency is responsible under existing law.

**“(4) INFORMATION TO BE CONSIDERED.**—In identifying and prioritizing policy gaps pursuant to paragraph (3), the task force shall consider the findings and recommendations contained in section VI of the report entitled ‘The Sustainable Working Waterfronts Toolkit: Final Report’, dated March 2013.

**“(5) REPORT.**—Not later than 18 months after the date of the enactment of this section, the task force shall submit a report to Congress on its findings.

**“(6) IMPLEMENTATION.**—The head of each Federal agency identified in the report pursuant to paragraph (3)(C) shall take such action as is necessary to implement the recommendations contained in the report by not later than 1 year after the date of the issuance of the report.

**“(b) WORKING WATERFRONT GRANT PROGRAM.**—

**“(1)** The Secretary shall establish a Working Waterfront Grant Program, in cooperation with appropriate State, regional, and other units of government, under which the Secretary may make a grant to any coastal State for the purpose of implementing a working waterfront plan approved by the Secretary under subsection (c).

**“(2)** Subject to the availability of appropriations, the Secretary shall award matching grants under the Working Waterfronts Grant Program to coastal States with approved working waterfront plans through a regionally equitable, competitive funding process in accordance with the following:

**“(A)** The Governor, or the lead agency designated by the Governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State’s or territory’s approved coastal zone plan, program, and policies prior to submission to the Secretary.

**“(B)** In developing guidelines under this section, the Secretary shall consult with coastal States, other Federal agencies, and other interested stakeholders with expertise in working waterfront planning.

**“(C)** Coastal States may allocate grants to local governments, agencies, or nongovernmental organizations eligible for assistance under this section.

**“(3)** In awarding a grant to a coastal State, the Secretary shall consider—

**“(A)** the economic, cultural, and historical significance of working waterfront to the coastal State;

**“(B)** the demonstrated working waterfront needs of the coastal State as outlined by a working waterfront plan approved for the coastal

State under subsection (c), and the value of the proposed project for the implementation of such plan;

“(C) the ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other government units, landowners, corporations, or private organizations;

“(D) the potential for rapid turnover in the ownership of working waterfront in the coastal State, and where applicable the need for coastal States to respond quickly when properties in existing or potential working waterfront areas or public access areas as identified in the working waterfront plan submitted by the coastal State come under threat or become available; and

“(E) the impact of the working waterfront plan approved for the coastal State under subsection (c) on the coastal ecosystem and the users of the coastal ecosystem.

“(4) The Secretary shall approve or reject an application for such a grant within 60 days after receiving an application for the grant.

“(c) WORKING WATERFRONT PLANS.—

“(1) To be eligible for a grant under subsection (b), a coastal State must submit and have approved by the Secretary a comprehensive working waterfront plan in accordance with this subsection, or be in the process of developing such a plan and have an established working waterfront program at the State or local level, or the Secretary determines that an existing coastal land use plan for that State is in accordance with this subsection.

“(2) Such plan—

“(A) must provide for preservation and expansion of access to coastal waters to persons engaged in commercial fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business;

“(B) shall include one or more of—

“(i) an assessment of the economic, social, cultural, and historic value of working waterfront to the coastal State;

“(ii) a description of relevant State and local laws and regulations affecting working waterfront in the geographic areas identified in the working waterfront plan;

“(iii) identification of geographic areas where working waterfronts are currently under threat of conversion to uses incompatible with commercial and recreational fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business, and the level of that threat;

“(iv) identification of geographic areas with a historic connection to working waterfronts where working waterfronts are not currently available, and, where appropriate, an assessment of the environmental impacts of any expansion or new development of working waterfronts on the coastal ecosystem;

“(v) identification of other working waterfront needs including improvements to existing working waterfronts and working waterfront areas;

“(vi) a strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the coastal State;

“(vii) for areas identified under clauses (iii), (iv), (v), and (vi), identification of current availability and potential for expansion of public access to coastal waters;

“(viii) a description of the degree of community support for such strategic plan; and

“(ix) a contingency plan for properties that revert to the coastal State pursuant to determinations made by the coastal State under subsection (g)(4)(C);

“(C) may include detailed environmental impacts on working waterfronts, including hazards, sea level rise, inundation exposure, and other resiliency issues;

“(D) may be part of the management program approved under section 306;

“(E) shall utilize to the maximum extent practicable existing information contained in rel-

evant surveys, plans, or other strategies to fulfill the information requirements under this paragraph; and

“(F) shall incorporate the policies and regulations adopted by communities under local working waterfront plans or strategies in existence before the date of the enactment of this section.

“(3) A working waterfront plan—

“(A) shall be effective for purposes of this section for the 5-year period beginning on the date it is approved by the Secretary;

“(B) must be updated and re-approved by the Secretary before the end of such period; and

“(C) shall be complimentary to and incorporate the policies and objectives of regional or local working waterfront plans as in effect before the date of enactment of this section or as subsequently revised.

“(4) The Secretary may—

“(A) award planning grants to coastal States for the purpose of developing or revising comprehensive working waterfront plans; and

“(B) award grants consistent with the purposes of this section to States undertaking the working waterfront planning process under this section, for the purpose of preserving and protecting working waterfronts during such process.

“(5) Any coastal State applying for a working waterfront grant under this title shall—

“(A) develop a working waterfront plan, using a process that involves the public and those with an interest in the coastal zone;

“(B) coordinate development and implementation of such a plan with other coastal management programs, regulations, and activities of the coastal State; and

“(C) if the coastal State allows qualified holders (other than the coastal State) to enter into working waterfront covenants, provide as part of the working waterfront plan under this subsection a mechanism or procedure to ensure that the qualified holders are complying their duties to enforce the working waterfront covenant.

“(d) USES, TERMS, AND CONDITIONS.—

“(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

“(2) A grant under this section may be used—

“(A) to acquire a working waterfront, or an interest in a working waterfront;

“(B) to make improvements to a working waterfront, including the construction or repair of wharfs, boat ramps, or related facilities; or

“(C) for necessary climate adaptation mitigation.

“(e) PUBLIC ACCESS REQUIREMENT.—A working waterfront project funded by grants made under this section must provide for expansion, improvement, or preservation of reasonable and appropriate public access to coastal waters at or in the vicinity of a working waterfront, except for commercial fishing or other industrial access points where the coastal State determines that public access would be unsafe.

“(f) LIMITATIONS.—

“(1) Except as provided in paragraph (2), a grant awarded under this section may be used to purchase working waterfront or an interest in working waterfront, including an easement, only from a willing seller and at fair market value.

“(2) A grant awarded under this section may be used to acquire working waterfront or an interest in working waterfront at less than fair market value only if the owner certifies to the Secretary that the sale is being entered into willingly and without coercion.

“(3) No Federal, State, or local entity may exercise the power of eminent domain to secure title to any property or facilities in connection with a project carried out under this section.

“(g) ALLOCATION OF GRANTS TO LOCAL GOVERNMENTS AND OTHER ENTITIES.—

“(1) The Secretary shall encourage coastal States to broadly allocate amounts received as

grants under this section among working waterfronts identified in working waterfront plans approved under subsection (c).

“(2) Subject to the approval of the Secretary, a coastal State may, as part of an approved working waterfront plan, designate as a qualified holder any unit of State or local government or nongovernmental organization, if the coastal State is ultimately responsible for ensuring that the property will be managed in a manner that is consistent with the purposes for which the land entered into the program.

“(3) A coastal State or a qualified holder designated by a coastal State may allocate to a unit of local government, nongovernmental organization, fishing cooperative, or other entity, a portion of any grant made under this section for the purpose of carrying out this section, except that such an allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the coastal State's approved working waterfront plan.

“(4) A qualified holder may hold title to or interest in property acquired under this section, except that—

“(A) all persons holding title to or interest in working waterfront affected by a grant under this section, including a qualified holder, private citizen, private business, nonprofit organization, fishing cooperative, or other entity, shall enter into a working waterfront covenant;

“(B) such covenant shall be held by the coastal State or a qualified holder designated under paragraph (2);

“(C) if the coastal State determines, on the record after an opportunity for a hearing, that the working waterfront covenant has been violated—

“(i) all right, title, and interest in and to the working waterfront covered by such covenant shall, except as provided in subparagraph (D), revert to the coastal State; and

“(ii) the coastal State shall have the right of immediate entry onto the working waterfront;

“(D) if a coastal State makes a determination under subparagraph (C), the coastal State may convey or authorize the qualified holder to convey the working waterfront or interest in working waterfront to another qualified holder; and

“(E) nothing in this subsection waives any legal requirement under any Federal or State law.

“(h) MATCHING CONTRIBUTIONS.—

“(1) Except as provided in paragraph (2), the Secretary shall require that each coastal State that receives a grant under this section, or a qualified holder designated by that coastal State under subsection (g), shall provide matching funds in an amount equal to at least 25 percent of the total cost of the project carried out with the grant.

“(2) The Secretary may waive the application of paragraph (1) for any qualified holder that is an underserved community, a community that has an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary considers appropriate.

“(3) A local community designated as a qualified holder under subsection (g) may utilize funds or other in-kind contributions donated by a nongovernmental partner to satisfy the matching funds requirement under this subsection.

“(4) As a condition of receipt of a grant under this section, the Secretary shall require that a coastal State provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

“(5) If financial assistance under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

“(6) The Secretary shall treat as non-Federal match the value of a working waterfront or interest in a working waterfront, including conservation and other easements, that is held in perpetuity by a qualified holder, if the working waterfront or interest is identified in the application for the grant and acquired by the qualified holder within 3 years of the grant award date, or within 3 years after the submission of the application and before the end of the grant award period. Such value shall be determined by an appraisal performed at such time before the award of the grant as the Secretary considers appropriate.

“(7) The Secretary shall treat as non-Federal match the costs associated with acquisition of a working waterfront or an interest in a working waterfront, and the costs of restoration, enhancement, or other improvement to a working waterfront, if the activities are identified in the project application and the costs are incurred within the period of the grant award, or, for working waterfront described in paragraph (6), within the same time limits described in that paragraph. These costs may include either cash or in-kind contributions.

“(i) **LIMIT ON ADMINISTRATIVE COSTS.**—No more than 5 percent of the funds made available to the Secretary under this section may be used by the Secretary for planning or administration of the program under this section.

“(j) **OTHER TECHNICAL AND FINANCIAL ASSISTANCE.**—

“(1) Up to 5 percent of the funds appropriated under this section may be used by the Secretary for purposes of providing technical assistance as described in this subsection.

“(2) The Secretary shall—

“(A) provide technical assistance to coastal States and local governments in identifying and obtaining other sources of available Federal technical and financial assistance for the development and revision of a working waterfront plan and the implementation of an approved working waterfront plan;

“(B) provide technical assistance to States and local governments for the development, implementation, and revision of comprehensive working waterfront plans, which may include, subject to the availability of appropriations, planning grants and assistance, pilot projects, feasibility studies, research, and other projects necessary to further the purposes of this section;

“(C) assist States in developing other tools to protect working waterfronts;

“(D) collect and disseminate to States guidance for best storm water management practices in regards to working waterfronts;

“(E) provide technical assistance to States and local governments on integrating resilience planning into working waterfront preservation efforts; and

“(F) collect and disseminate best practices on working waterfronts and resilience planning.

“(k) **REPORTS.**—

“(1) The Secretary shall—

“(A) develop performance measures to evaluate and report on the effectiveness of the program under this section in accomplishing the purpose of this section; and

“(B) submit to Congress a biennial report that includes such evaluations, an account of all expenditures, and descriptions of all projects carried out using grants awarded under this section.

“(2) The Secretary may submit the biennial report under paragraph (1)(B) by including it in the biennial report required under section 316.

“(l) **DEFINITIONS.**—In this section:

“(1) The term ‘qualified holder’ means a coastal State or a unit of local or coastal State government or a non-State organization designated by a coastal State under subsection (g).

“(2) The term ‘Secretary’ means the Secretary, acting through the National Oceanic and Atmospheric Administration.

“(3) The term ‘working waterfront’ means real property (including support structures over

water and other facilities) that provides access to coastal waters to persons engaged in commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business and is used for, or that supports, commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business.

“(4) The term ‘working waterfront covenant’ means an agreement in recordable form between the owner of working waterfront and one or more qualified holders, that provides such assurances as the Secretary may require that—

“(A) the title to or interest in the working waterfront will be held by a grant recipient or qualified holder in perpetuity, except as provided in subparagraph (C);

“(B) the working waterfront will be managed in a manner that is consistent with the purposes for which the property is acquired pursuant to this section, and the property will not be converted to any use that is inconsistent with the purpose of this section;

“(C) if the title to or interest in the working waterfront is sold or otherwise exchanged—

“(i) all working waterfront owners and qualified holders involved in such sale or exchange shall accede to such agreement; and

“(ii) funds equal to the fair market value of the working waterfront or interest in working waterfront shall be paid to the Secretary by parties to the sale or exchange, and such funds shall, at the discretion of the Secretary, be paid to the coastal State in which the working waterfront is located for use in the implementation of the working waterfront plan of the State approved by the Secretary under this section; and

“(D) such covenant is subject to enforcement and oversight by the coastal State or by another person as determined appropriate by the Secretary.

“(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Grant Program \$12,000,000 for each of fiscal years 2020 through 2024.”

#### **SEC. 104. WORKING WATERFRONTS PRESERVATION FUND; GRANTS.**

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is further amended by adding at the end the following:

#### **“SEC. 322. WORKING WATERFRONTS PRESERVATION LOAN FUND.**

“(a) **FUND.**—There is established in the Treasury a separate account that shall be known as the ‘Working Waterfronts Preservation Loan Fund’ (in this section referred to as the ‘Fund’).

“(b) **USE.**—

“(1) Subject to the availability of appropriations, amounts in the Fund may be used by the Secretary to make loans to coastal States for the purpose of implementing a working waterfront plan approved by the Secretary under section 321(c) through preservation, improvement, restoration, rehabilitation, acquisition of working waterfront properties under criteria established by the Secretary.

“(2) Upon enactment of this section, the Secretary of Commerce shall conduct a feasibility study on the administration of the development and management of a Working Waterfronts Preservation Loan Fund.

“(3) Upon the completion of the study under paragraph (2), the Secretary shall establish a fund in accordance with the results of that study, and establish such criteria as referenced in subsection (c) in consultation with States that have a management program approved by the Secretary of Commerce pursuant to section 306 and local government coastal management programs.

“(c) **AWARD CRITERIA.**—The Secretary shall award loans under this section through a regionally equitable, competitive funding process, and in accordance with the following:

“(1) The Governor, or the lead agency designated by the Governor for coordinating the

implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that an application for a loan is consistent with the State’s approved coastal zone plan, program, and policies prior to submission to the Secretary.

“(2) In developing guidelines under this section, the Secretary shall consult with coastal States, other Federal agencies, and other interested stakeholders with expertise in working waterfront planning.

“(3) Coastal States may allocate amounts loaned under this section to local governments, agencies, or nongovernmental organizations eligible for loans under this section.

“(4) In awarding a loan for activities in a coastal State, the Secretary shall consider—

“(A) the economic and cultural significance of working waterfront to the coastal State;

“(B) the demonstrated working waterfront needs of the coastal State as outlined by a working waterfront plan approved for the coastal State under section 321(c), and the value of the proposed loan for the implementation of such plan;

“(C) the ability to successfully leverage loan funds among participating entities, including Federal programs, regional organizations, State and other government units, landowners, corporations, or private organizations;

“(D) the potential for rapid turnover in the ownership of working waterfront in the coastal State, and where applicable the need for coastal States to respond quickly when properties in existing or potential working waterfront areas or public access areas as identified in the working waterfront plan submitted by the coastal State come under threat or become available;

“(E) the impact of the loan on the coastal ecosystem and the users of the coastal ecosystem; and

“(F) the extent of the historic connection between working waterfronts for which the loan will be used and the local communities within the coastal State.

“(d) **LOAN AMOUNT AND TERMS.**—

“(1) The amount of a loan under this section—

“(A) shall be not less than \$100,000; and

“(B) shall not exceed 15 percent of the amount in the Fund as of July 1 of the fiscal year in which the loan is made.

“(2) The interest rate for a loan under this section shall not exceed 4 percent.

“(3) The repayment term for a loan under this section shall not exceed 20 years.

“(e) **DEADLINE FOR APPROVAL.**—The Secretary shall approve or reject an application for a loan under this section within 60 days after receiving an application for the loan.

“(f) **LIMIT ON ADMINISTRATIVE COSTS.**—No more than 5 percent of the funds made available to the Secretary under this section may be used by the Secretary for planning or administration of the program under this section.

“(g) **DEFINITIONS.**—The definitions in section 321(l) shall apply to this section.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Fund \$12,000,000 for each of fiscal years 2020 through 2024.”

#### **SEC. 105. ELIGIBILITY OF DISTRICT OF COLUMBIA FOR FEDERAL FUNDING UNDER THE COASTAL ZONE MANAGEMENT ACT OF 1972.**

Section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)) is amended by inserting “the District of Columbia,” after “the term also includes”.

#### **SEC. 106. CLIMATE CHANGE PREPAREDNESS IN THE COASTAL ZONE.**

(a) **IN GENERAL.**—The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

#### **“SEC. 323. CLIMATE CHANGE ADAPTATION PREPAREDNESS AND RESPONSE PROGRAM.**

“(a) **IN GENERAL.**—The Secretary shall establish, consistent with the national policies set

forth in section 303, a coastal climate change adaptation preparedness and response program to—

“(1) provide assistance to coastal States to voluntarily develop coastal climate change adaptation plans, pursuant to approved management programs approved under section 306, to minimize contributions to climate change and to prepare for and reduce the negative consequences that may result from climate change in the coastal zone; and

“(2) provide financial and technical assistance and training to enable coastal States to implement plans developed pursuant to this section through coastal States’ enforceable policies.

“(b) COASTAL CLIMATE CHANGE ADAPTATION PLANNING AND PREPAREDNESS GRANTS.—

“(1) IN GENERAL.—The Secretary, subject to the availability of appropriations, may make a grant to any coastal State for the purpose of developing climate change adaptation plans pursuant to guidelines issued by the Secretary under paragraph (8).

“(2) PLAN CONTENT.—A plan developed with a grant under this subsection shall include the following:

“(A) Identification of public facilities and public services, working waterfronts, coastal resources of national significance, coastal waters, energy facilities, or other land and water uses located in the coastal zone that are likely to be impacted by climate change.

“(B) Adaptive management strategies for land use to respond or adapt to changing environmental conditions, including strategies to protect biodiversity, protect water quality, and establish habitat buffer zones, migration corridors, and climate refugia.

“(C) Adaptive management strategies for ocean-based ecosystems and resources, including strategies to plan for and respond to geographic or temporal shifts in marine resources, to create protected areas that will provide climate refugia, and to maintain and restore ocean ecosystem function.

“(D) Requirements to initiate and maintain long-term monitoring of environmental change to assess coastal zone adaptation and to adjust when necessary adaptive management strategies and new planning guidelines to attain the policies under section 303.

“(E) Other information considered necessary by the Secretary to identify the full range of climate change impacts affecting coastal communities.

“(3) STATE HAZARD MITIGATION PLANS.—Plans developed with a grant under this subsection shall be consistent with State hazard mitigation plans and natural disaster response and recovery programs developed under State or Federal law.

“(4) ALLOCATION.—Grants under this subsection shall be available only to coastal States with management programs approved by the Secretary under section 306 and shall be allocated among such coastal States in a manner consistent with regulations promulgated pursuant to section 306(c).

“(5) PRIORITY.—In the awarding of grants under this subsection, the Secretary may give priority to any coastal State that has received grant funding to develop program changes pursuant to paragraphs (1), (2), (3), (5), (6), (7), and (8) of section 309(a).

“(6) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to a coastal State consistent with section 310 to ensure the timely development of plans supported by grants awarded under this subsection.

“(7) FEDERAL APPROVAL.—In order to be eligible for a grant under subsection (c), a coastal State must have its plan developed under this subsection approved by the Secretary.

“(8) GUIDELINES.—Within 180 days after the date of enactment of this section, the Secretary, in consultation with the coastal States, shall issue guidelines for the implementation of the grant program established under this subsection.

“(c) COASTAL CLIMATE CHANGE ADAPTATION PROJECT IMPLEMENTATION GRANTS.—

“(1) IN GENERAL.—The Secretary, subject to the availability of appropriations, may make grants to any coastal State that has a climate change adaptation plan approved under subsection (b)(7), in order to support projects that implement strategies contained within such plans.

“(2) PROGRAM REQUIREMENTS.—The Secretary, within 90 days after approval of the first plan approved under subsection (b)(7), shall publish in the Federal Register requirements regarding applications, allocations, eligible activities, and all terms and conditions for grants awarded under this subsection. No less than 30 percent, and no more than 50 percent, of the funds appropriated in any fiscal year for grants under this subsection shall be awarded through a merit-based competitive process.

“(3) ELIGIBLE ACTIVITIES.—The Secretary may award grants to coastal States to implement projects in the coastal zone to address stress factors in order to improve coastal climate change adaptation, including the following:

“(A) Activities to address physical disturbances within the coastal zone, especially activities related to public facilities and public services, tourism, sedimentation, ocean acidification, and other factors negatively impacting coastal waters.

“(B) Monitoring, control, or eradication of disease organisms and invasive species.

“(C) Activities to address the loss, degradation, or fragmentation of wildlife habitat through projects to establish or protect marine and terrestrial habitat buffers, wildlife refugia, other wildlife refuges, or networks thereof, preservation of migratory wildlife corridors and other transition zones, and restoration of fish and wildlife habitat.

“(D) Projects to reduce, mitigate, or otherwise address likely impacts caused by natural hazards in the coastal zone, including sea level rise, coastal inundation, storm water management, coastal erosion and subsidence, severe weather events such as cyclonic storms, tsunamis and other seismic threats, and fluctuating Great Lakes water levels. The Secretary shall give priority to projects that utilize green infrastructure solutions.

“(E) Projects to adapt existing infrastructure, including enhancements to both built and natural environments.

“(F) Provision of technical training and assistance to local coastal policy makers to increase awareness of science, management, and technology information related to climate change and adaptation strategies.

“(4) PROMOTION AND USE OF NATIONAL ESTUARINE RESEARCH RESERVES.—The Secretary shall promote and encourage the use of National Estuarine Research Reserves as sites for pilot or demonstration projects carried out with grants awarded under this section.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)) is amended—

(1) by striking “and” after the semicolon at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following:

“(3) for grants under section 323, such sums as are necessary.”

(c) INTENT OF CONGRESS.—Nothing in this section shall be construed to require any coastal State to amend or modify its approved management program pursuant to section 306(e) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(e)) or to extend the enforceable policies of a coastal State beyond the coastal zone as identified in the coastal State’s approved management program.

## TITLE II—FISHERY RESEARCH AND CONSERVATION

### Subtitle A—National Fish Habitat Conservation Through Partnerships

#### SEC. 201. PURPOSE.

The purpose of this subtitle is to encourage partnerships among public agencies and other interested persons to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions; (B) restoring natural processes; or (C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities; (B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and (C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

#### SEC. 202. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term “Board” means the National Fish Habitat Board established by section 203.

(3) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) ENVIRONMENTAL PROTECTION AGENCY ASSISTANT ADMINISTRATOR.—The term “Environmental Protection Agency Assistant Administrator” means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given to the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ASSISTANT ADMINISTRATOR.—The term “National Oceanic and Atmospheric Administration Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term “Partnership” means an entity designated by Congress as a Fish Habitat Partnership under section 204.

(8) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) MARINE FISHERIES COMMISSIONS.—The term “Marine Fisheries Commissions” means—

(A) The Atlantic States Marine Fisheries Commission;

(B) the Gulf States Marine Fisheries Commission; and

(C) the Pacific States Marine Commission.

(10) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(11) STATE.—The term “State” means each of the several States, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the United States Virgin Islands, and the District of Columbia.

(12) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources of the State or sustains the habitat for those fishery resources pursuant to State law or the constitution of the State.

#### SEC. 203. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) FISH HABITAT BOARD.—There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

(A) to promote, oversee, and coordinate the implementation of this subtitle;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to recommend to Congress entities for designation as Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 25 members, of whom—

(A) 1 shall be a representative of the Department of the Interior;

(B) 1 shall be a representative of the United States Geological Survey;

(C) 1 shall be a representative of the Department of Commerce;

(D) 1 shall be a representative of the Department of Agriculture;

(E) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(F) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(G) 1 shall be a representative of either—

(i) Indian Tribes in the State of Alaska; or

(ii) Indian Tribes in States other than the State of Alaska;

(H) 1 shall be a representative of either—

(i) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(ii) a representative of the Marine Fisheries Commissions;

(I) 1 shall be a representative of the Sportfishing and Boating Partnership Council;

(J) 7 shall be representatives selected from at least one from each of the following:

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) 1 shall be a representative of a national private landowner organization;

(L) 1 shall be a representative of an agricultural production organization;

(M) 1 shall be a representative of local government interests involved in fish habitat restoration;

(N) 2 shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

(iii) industries with an interest in fish and fish habitat conservation; and

(O) 1 shall be a leadership private sector or landowner representative of an active partnership.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this section, a member of the Board described in any of subparagraphs (F) through (O) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—The initial Board shall consist of representatives as described in subparagraphs (A) through (F) of subsection (a)(2).

(B) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board under subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (O) of subsection (a)(2).

(C) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 Tribal representatives, from which the Board shall appoint 1 representative pursuant to subparagraph (G) of subsection (a)(2).

(3) STAGGERED TERMS.—Of the members described in subsection (a)(2)(J) initially appointed to the Board—

(A) 2 shall be appointed for a term of 1 year;

(B) 2 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in subparagraph (H), (I), (J), (K), (L), (M), (N), or (O) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than 3 Tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (O) of subparagraph (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed under subsection (a)(2)(E) shall serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this subtitle;

(D) procedures for designating Partnerships under section 204; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

#### SEC. 204. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO RECOMMEND.—The Board may recommend to Congress the designation of Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish populations and fish habitats;

(2) to engage local and regional communities to build support for fish habitat conservation;

(3) to involve diverse groups of public and private partners;

(4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(5) to leverage funding from sources that support local and regional partnerships;

(6) to use adaptive management principles, including evaluation of project success and functionality;

(7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(8) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(c) CRITERIA FOR DESIGNATION.—An entity seeking to be designated by Congress as a Partnership shall—

(1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(2) demonstrate to the Board that the entity has—

(A) a focus on promoting the health of important fish and fish habitats;

(B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(E) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(F) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) REQUIREMENTS FOR RECOMMENDATION TO CONGRESS.—The Board may recommend to Congress for designation an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—



(1) meets the criteria described in subsection (c)(2);

(2) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian Tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(3) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(4) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decision making;

(5) is able to address issues and priorities on a nationally significant scale;

(6) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decision making by the applicant;

(7) demonstrates completion of, or significant progress toward the development of, a strategic plan to address declines in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(8) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(e) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than February 1 of the first fiscal year beginning after the date of enactment of this Act and each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled “Report to Congress on Future Fish Habitat Partnerships and Modifications”, that—

(A) identifies each entity that—

(i) meets the requirements described in subsection (d); and

(ii) the Board recommends to Congress for designation as a Partnership;

(B) describes any proposed modifications to a Partnership previously designated by Congress under subsection (f);

(C) with respect to each entity recommended for designation as a Partnership, describes, to the maximum extent practicable—

(i) the purpose of the recommended Partnership; and

(ii) how the recommended Partnership fulfills the requirements described in subsection (d).

(2) **PUBLIC AVAILABILITY; NOTIFICATION.**—The Board shall—

(A) make the report publicly available, including on the internet; and

(B) provide to the appropriate congressional committees and the State agency of any State included in a recommended Partnership area written notification of the public availability of the report.

(f) **DESIGNATION OR MODIFICATION OF PARTNERSHIP.**—Congress shall have the exclusive authority to designate or modify a Partnership.

(g) **EXISTING PARTNERSHIPS.**—

(1) **DESIGNATION REVIEW.**—Not later than 5 years after the date of enactment of this Act, any partnership receiving Federal funds as of the date of enactment of this Act shall be subject to a designation review by Congress in which Congress shall have the opportunity to designate the partnership under subsection (f).

(2) **INELIGIBILITY FOR FEDERAL FUNDS.**—A partnership referred to in paragraph (1) that Congress does not designate as described in that paragraph shall be ineligible to receive Federal funds under this subtitle.

## **SEC. 205. FISH HABITAT CONSERVATION PROJECTS.**

(a) **SUBMISSION TO BOARD.**—Not later than March 31 of each year, each Partnership shall

submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this subtitle.

(b) **RECOMMENDATIONS BY BOARD.**—Not later than July 1 of each year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes a description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this subtitle for the following fiscal year.

(c) **CRITERIA FOR PROJECT SELECTION.**—The Board shall select each fish habitat conservation project recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

(1) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(2) The capabilities and experience of project proponents to implement successfully the proposed project.

(3) The extent to which the fish habitat conservation project—

(A) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this subtitle;

(B) addresses the national priorities established by the Board;

(C) is supported by the findings of the habitat assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(E) provides a well-defined budget linked to deliverables and outcomes;

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

(H) includes an outreach or education component that includes the local or regional community.

(4) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e).

(5) The extent to which the fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(D) advances the conservation of fish and wildlife species that have been identified by a State agency as species of greatest conservation need;

(E) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) **LIMITATIONS.**—

(1) **REQUIREMENTS FOR EVALUATION.**—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) **ACQUISITION AUTHORITIES.**—

(A) **IN GENERAL.**—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this subtitle if the acquisition ensures—

(i) public access for fish and wildlife-dependent recreation; or

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(B) **STATE AGENCY APPROVAL.**—

(i) **IN GENERAL.**—All real property interest acquisition projects funded under this subtitle must be approved by the State agency in the State in which the project is occurring.

(ii) **PROHIBITION.**—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(C) **ASSESSMENT OF OTHER AUTHORITIES.**—The Board may not recommend, and the Secretary may not provide any funding under this subtitle for, any real property interest acquisition unless the Partnership that recommended the project has conducted a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(D) **RESTRICTIONS.**—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity conducted with funds provided under this subtitle, unless—

(i) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(ii) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a Partnership.

(e) **NON-FEDERAL CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) **NON-FEDERAL SHARE.**—Such non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from another Federal grant program; and

(B) may include in-kind contributions and cash.

(3) **SPECIAL RULE FOR INDIAN TRIBES.**—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian Tribe pursuant to this subtitle may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) **APPROVAL.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under subsection (b), and subject to subsection (d) and based, to the maximum extent practicable, on the criteria described in subsection (c), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall

approve or reject any fish habitat conservation project recommended by the Board.

(2) **FUNDING.**—If the Secretary approves a fish habitat conservation project under paragraph (1), the Secretary shall use amounts made available to carry out this subtitle to provide funds to carry out the fish habitat conservation project.

(3) **NOTIFICATION.**—If the Secretary rejects under paragraph (1) any fish habitat conservation project recommended by the Board, not later than 90 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

#### **SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) **IN GENERAL.**—The Director, the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided under subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian Tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

#### **SEC. 207. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or Tribal agency, as applicable, of each State and Indian Tribe within the boundaries of which an activity is planned to be carried out pursuant to this subtitle, including notification, by not later than 30 days before the date on which the activity is implemented.

#### **SEC. 208. INTERAGENCY OPERATIONAL PLAN.**

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including, at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this subtitle; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

#### **SEC. 209. ACCOUNTABILITY AND REPORTING.**

(a) **REPORTING.**—

(1) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this subtitle.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by Partnerships under this subtitle during the 5-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved under this subtitle during that 5-year period;

(C) a description of the improved opportunities for public recreational fishing achieved under this subtitle; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this subtitle during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 205(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 205(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 205(b) that was based on a factor other than the criteria described in section 205(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects under this subtitle.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2020, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(1) a status of all Partnerships designated under this subtitle;

(2) a description of the status of fish habitats in the United States as identified by designated Partnerships; and

(3) enhancements or reductions in public access as a result of—

(A) the activities of the Partnerships; or

(B) any other activities carried out pursuant to this subtitle.

#### **SEC. 210. EFFECT OF THIS SUBTITLE.**

(a) **WATER RIGHTS.**—Nothing in this subtitle—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) **AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.**—Only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property with funds made available through section 212.

(c) **STATE AUTHORITY.**—Nothing in this subtitle—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) **EFFECT ON INDIAN TRIBES.**—Nothing in this subtitle abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian Tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian Tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this subtitle diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Departments of State, Justice, Commerce, and The Judiciary Appropriation Act, 1953 (43 U.S.C. 666).

(f) **DEPARTMENT OF COMMERCE AUTHORITY.**—Nothing in this subtitle affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) **EFFECT ON OTHER AUTHORITIES.**—

(1) **PRIVATE PROPERTY PROTECTION.**—Nothing in this subtitle permits the use of funds made available to carry out this subtitle to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest, respectively.

(2) **MITIGATION.**—Nothing in this subtitle authorizes the use of funds made available to carry out this subtitle for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) **CLEAN WATER ACT.**—Nothing in this subtitle affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

#### **SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

#### **SEC. 212. FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FISH HABITAT CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2019 through 2023 to provide funds for fish habitat conservation projects approved under section 205(f), of which 5 percent is authorized only for projects carried out by Indian Tribes.

(2) **ADMINISTRATIVE AND PLANNING EXPENSES.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2019 through 2023 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses under this subtitle; and

(B) to carry out section 209.

(3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There is authorized to be appropriated for each of fiscal years 2020 through 2024 to carry out, and provide technical and scientific assistance under, section 206—

(A) \$400,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$400,000 to the National Oceanic and Atmospheric Administration Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(C) \$400,000 to the Environmental Protection Agency Assistant Administrator for use by the Environmental Protection Agency;

(D) \$400,000 to the Secretary for use by the United States Geological Survey; and

(E) \$400,000 to the Chief of the Forest Service for use by the United States Department of Agriculture Forest Service.

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity to provide funds authorized by this subtitle for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and, subject to the availability of appropriations, use a grant from any individual or entity to carry out the purposes of this subtitle; and

(3) subject to the availability of appropriations, make funds authorized by this Act available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this subtitle.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this subtitle; and

(B) accept donations of funds, property, and services to carry out the purposes of this subtitle.

(2) TREATMENT.—A donation accepted under this subtitle—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

#### **SEC. 213. PROHIBITION AGAINST IMPLEMENTATION OF REGULATORY AUTHORITY BY FEDERAL AGENCIES THROUGH PARTNERSHIPS.**

Any Partnership designated under this subtitle—

(1) shall be for the sole purpose of promoting fish conservation; and

(2) shall not be used to implement any regulatory authority of any Federal agency.

#### **Subtitle B—Great Lakes Fishery Research Authorization**

#### **SEC. 214. DEFINITIONS.**

In this subtitle:

(1) DIRECTOR.—The term “Director” means the Director of the United States Geological Survey.

(2) GREAT LAKES BASIN.—The term “Great Lakes Basin” means the air, land, water, and living organisms in the United States within the drainage basin of the Saint Lawrence River at and upstream from the point at which such river and the Great Lakes become the international boundary between Canada and the United States.

#### **SEC. 215. FINDINGS.**

Congress finds the following:

(1) The Great Lakes support a diverse ecosystem, on which the vibrant and economically valuable Great Lakes fisheries depend.

(2) To continue successful fisheries management and coordination, as has occurred since signing of the Convention on Great Lakes Fisheries between the United States and Canada on September 10, 1954, management of the ecosystem and its fisheries require sound, reliable science, and the use of modern scientific technologies.

(3) Fisheries research is necessary to support multi-jurisdictional fishery management decisions and actions regarding recreational and sport fishing, commercial fisheries, tribal harvest, allocation decisions, and fish stocking activities.

(4) President Richard Nixon submitted, and the Congress approved, Reorganization Plan No. 4 (84 Stat. 2090), conferring science activities and management of marine fisheries to the National Oceanic and Atmospheric Administration.

(5) Reorganization Plan No. 4 expressly excluded fishery research activities within the Great Lakes from the transfer, retaining management and scientific research duties within the already established jurisdictions under the 1954 Convention on Great Lakes Fisheries, including those of the Great Lakes Fishery Commission and the Department of the Interior.

#### **SEC. 216. GREAT LAKES MONITORING, ASSESSMENT, SCIENCE, AND RESEARCH.**

(a) IN GENERAL.—The Director may conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin.

(b) SPECIFIC AUTHORITIES.—The Director shall, under subsection (a)—

(1) execute a comprehensive, multi-lake, freshwater fisheries science program;

(2) coordinate with and work cooperatively with regional, State, tribal, and local governments; and

(3) consult with other interested entities groups, including academia and relevant Canadian agencies.

(c) INCLUDED RESEARCH.—To properly serve the needs of fisheries managers, monitoring, assessment, science, and research under this section may include—

(1) deepwater ecosystem sciences;

(2) biological and food-web components;

(3) fish movement and behavior investigations;

(4) fish population structures;

(5) fish habitat investigations;

(6) invasive species science;

(7) use of existing, new, and experimental biological assessment tools, equipment, vessels, other scientific instrumentation and laboratory capabilities necessary to support fishery management decisions; and

(8) studies to assess impacts on Great Lakes fishery resources.

(d) SAVINGS CLAUSE.—Nothing in this subtitle is intended or shall be construed to impede, supersede, or alter the authority of the Great Lakes Fishery Commission, States, and Indian tribes under the Convention on Great Lakes Fisheries between the United States of America and Canada on September 10, 1954, and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).

#### **SEC. 217. AUTHORIZATION OF APPROPRIATIONS.**

For each of fiscal years 2020 through 2029, there is authorized to be appropriated \$17,500,000 to carry out this subtitle.

### **TITLE III—MEETING 21ST CENTURY OCEAN AND COASTAL DATA NEEDS**

#### **Subtitle A—Digital Coast**

#### **SEC. 301. FINDINGS.**

Congress makes the following findings:

(1) The Digital Coast is a model approach for effective Federal partnerships with State and local government, nongovernmental organizations, and the private sector.

(2) Access to current, accurate, uniform, and standards-based geospatial information, tools, and training to characterize the United States coastal region is critical for public safety and for the environment, infrastructure, and economy of the United States.

(3) More than half of all people of the United States (153,000,000) currently live on or near a coast and an additional 12,000,000 are expected in the next decade.

(4) Coastal counties in the United States average 300 persons per square mile, compared with the national average of 98.

(5) On a typical day, more than 1,540 permits for construction of single-family homes are issued in coastal counties, combined with other commercial, retail, and institutional construction to support this population.

(6) Over half of the economic productivity of the United States is located within coastal regions.

(7) Highly accurate, high-resolution remote sensing and other geospatial data play an increasingly important role in decision making and management of the coastal zone and economy, including for—

(A) flood and coastal storm surge prediction;

(B) hazard risk and vulnerability assessment;

(C) emergency response and recovery planning;

(D) community resilience to longer range coastal change;

(E) local planning and permitting;

(F) habitat and ecosystem health assessments; and

(G) landscape change detection.

#### **SEC. 302. DEFINITIONS.**

In this subtitle:

(1) COASTAL REGION.—The term “coastal region” means the area of United States waters extending inland from the shoreline to include coastal watersheds and seaward to the territorial sea.

(2) COASTAL STATE.—The term “coastal State” has the meaning given the term “coastal state” in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) FEDERAL GEOGRAPHIC DATA COMMITTEE.—The term “Federal Geographic Data Committee” means the interagency committee that promotes the coordinated development, use, sharing, and dissemination of geospatial data on a national basis.

(4) REMOTE SENSING AND OTHER GEOSPATIAL.—The term “remote sensing and other geospatial” means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the Earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, LiDAR, and services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, cartographers, and other such services.

(5) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

#### **SEC. 303. ESTABLISHMENT OF THE DIGITAL COAST.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program for the provision of an enabling platform that integrates geospatial data, decision-support tools, training, and best practices to address coastal management issues and needs. Under the program, the Secretary shall strive to enhance resilient communities, ecosystem values, and coastal economic growth and development by helping communities address their issues, needs, and challenges through cost-effective and participatory solutions.

(2) DESIGNATION.—The program established under paragraph (1) shall be known as the “Digital Coast” (in this section referred to as the “program”).

(b) PROGRAM REQUIREMENTS.—In carrying out the program, the Secretary shall ensure that the program provides data integration, tool development, training, documentation, dissemination, and archiving by—

(1) making data and resulting integrated products developed under this section readily accessible via the Digital Coast Internet website of the National Oceanic and Atmospheric Administration, the GeoPlatform.gov and data.gov Internet websites, and such other information distribution technologies as the Secretary considers appropriate;

(2) developing decision-support tools that use and display resulting integrated data and provide training on use of such tools;

(3) documenting such data to Federal Geographic Data Committee standards; and

(4) archiving all raw data acquired under this title at the appropriate National Oceanic and Atmospheric Administration data center or such other Federal data center as the Secretary considers appropriate.

(c) **COORDINATION.**—The Secretary shall coordinate the activities carried out under the program to optimize data collection, sharing and integration, and to minimize duplication by—

(1) consulting with coastal managers and decision makers concerning coastal issues, and sharing information and best practices, as the Secretary considers appropriate, with—

(A) coastal States;  
(B) local governments; and  
(C) representatives of academia, the private sector, and nongovernmental organizations;

(2) consulting with other Federal agencies, including interagency committees, on relevant Federal activities, including activities carried out under the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.), and the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.);

(3) participating, pursuant to section 216 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), in the establishment of such standards and common protocols as the Secretary considers necessary to assure the interoperability of remote sensing and other geospatial data with all users of such information within—

(A) the National Oceanic and Atmospheric Administration;  
(B) other Federal agencies;  
(C) State and local government; and  
(D) the private sector;

(4) coordinating with, seeking assistance and cooperation of, and providing liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906 of April 11, 1994 (59 Fed. Reg. 17671), as amended by Executive Order 13286 of February 28, 2003 (68 Fed. Reg. 10619); and

(5) developing and maintaining a best practices document that sets out the best practices used by the Secretary in carrying out the program and providing such document to the United States Geological Survey, the Corps of Engineers, and other relevant Federal agencies.

(d) **FILLING NEEDS AND GAPS.**—In carrying out the program, the Secretary shall—

(1) maximize the use of remote sensing and other geospatial data collection activities conducted for other purposes and under other authorities;

(2) focus on filling data needs and gaps for coastal management issues, including with respect to areas that, as of the date of the enactment of this Act, were underserved by coastal data and the areas of the Arctic that are under the jurisdiction of the United States;

(3) pursuant to the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), support continue improvement in existing efforts to coordinate the acquisition and integration of key data sets needed for coastal management and other purposes, including—

(A) coastal elevation data;  
(B) land use and land cover data;  
(C) socioeconomic and human use data;  
(D) critical infrastructure data;  
(E) structures data;  
(F) living resources and habitat data;  
(G) cadastral data; and  
(H) aerial imagery; and

(4) integrate the priority supporting data set forth under paragraph (3) with other available data for the benefit of the broadest measure of coastal resource management constituents and applications.

(e) **FINANCIAL AGREEMENTS AND CONTRACTS.**—

(1) **IN GENERAL.**—In carrying out the program, the Secretary—

(A) may enter into financial agreements to carry out the program, including—

(i) support to non-Federal entities that participate in implementing the program; and

(ii) grants, cooperative agreements, interagency agreements, contracts, or any other agreement on a reimbursable or non-reimbursable basis, with other Federal, tribal, State, and local governmental and nongovernmental entities; and

(B) may, to the maximum extent practicable, enter into such contracts with private sector entities for such products and services as the Secretary determines may be necessary to collect, process, and provide remote sensing and other geospatial data and products for purposes of the program.

(2) **FEES.**—

(A) **ASSESSMENT AND COLLECTION.**—The Secretary may assess and collect fees to conduct any planned training, workshop, or conference that advances the purposes of the program.

(B) **AMOUNTS.**—The amount of a fee under this paragraph may not exceed the sum of costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the training, workshop, or conference, including for subsistence expenses incidental to the training, workshop, or conference, as applicable.

(C) **USE OF FEES.**—Amounts collected by the Secretary in the form of fees under this paragraph may be used to pay for—

(i) the costs incurred for conducting an activity described in subparagraph (A); or  
(ii) the expenses described in subparagraph (B).

(3) **SURVEY AND MAPPING.**—Contracts entered into under paragraph (1)(B) shall be considered “surveying and mapping” services as such term is used in and as such contracts are awarded by the Secretary in accordance with the selection procedures in chapter 11 of title 40, United States Code.

(f) **OCEAN ECONOMY.**—The Secretary may establish publically available tools that track ocean and Great Lakes economy data for each coastal State.

#### **Subtitle B—Integrated Coastal and Ocean Observation System**

#### **SEC. 304. STAGGERED TERMS FOR NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM ADVISORY COMMITTEE.**

Section 12304(d)(3)(B) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(d)(3)(B)) is amended—

(1) by striking “Members” and inserting the following:

“(i) **IN GENERAL.**—Except as provided in clause (ii), members”; and

(2) by adding at the end the following:

“(ii) **STAGGERED TERMS.**—The Administrator may appoint or reappoint a member for a partial term of 1 or 2 years in order to establish a system of staggered terms. The Administrator may appoint or reappoint a member under this clause only once. A member appointed or reappointed to a partial term under this clause may not serve more than one full term.”.

#### **SEC. 305. INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM COOPERATIVE AGREEMENTS.**

Section 12305(a) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3604(a)) is amended by inserting “disburse appropriated funds to,” after “agreements, with,”.

#### **SEC. 306. REAUTHORIZATION OF INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM ACT OF 2009.**

Section 12311 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3610) is amended by striking “for fiscal years 2009 through 2013 such sums as are necessary” and inserting “\$47,500,000 for each of fiscal years 2020 through 2024”.

#### **TITLE IV—NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS**

#### **SEC. 401. REFERENCES TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

#### **SEC. 402. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.**

(a) **IN GENERAL.**—Section 208(b) (33 U.S.C. 1127(b)) is amended by striking “may” and inserting “shall”.

(b) **PLACEMENTS IN CONGRESS.**—Such section is further amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”; and

(2) in paragraph (1), as designated by paragraph (1) of this section, in the second sentence, by striking “A fellowship” and inserting the following:

“(2) **PLACEMENT PRIORITIES.**—

“(A) **IN GENERAL.**—In each year in which the Secretary awards a legislative fellowship under this subsection, when considering the placement of fellows, the Secretary shall prioritize placement of fellows in the following:

“(i) Positions in offices of committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.

“(ii) Positions in offices of Members of Congress who are on such committees.

“(iii) Positions in offices of Members of Congress that have a demonstrated interest in ocean, coastal, or Great Lakes resources.

“(B) **EQUITABLE DISTRIBUTION.**—

“(i) **FINDING AND RECOGNITION.**—Congress—

“(I) finds that both host offices and fellows benefit when fellows have the opportunity to choose from a range of host offices from different States and regions, both chambers of Congress, and both political parties; and

“(II) recognizes the steps taken by the National Sea Grant College Program to facilitate an equitable distribution of fellows among the political parties.

“(ii) **IN GENERAL.**—The Secretary shall ensure, to the maximum extent practicable, that fellows have the opportunity to choose from offices that are described in clauses (i), (ii), and (iii) of subparagraph (A) and that are equitably distributed among—

“(I) the political parties; and

“(II) the Senate and the House of Representatives.

“(iii) **POLITICAL AND CAMERAL EQUITY.**—The Secretary shall ensure that placements are equitably distributed between—

“(I) the political parties; and

“(II) the Senate and the House of Representatives.

“(3) **DURATION.**—A fellowship”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply with respect to the first calendar year beginning after the date of the enactment of this Act and each fiscal year thereafter.

(d) **SENSE OF CONGRESS CONCERNING FEDERAL HIRING OF FORMER FELLOWS.**—It is the sense of Congress that in recognition of the competitive nature of the fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), and of the exceptional qualifications of fellowship awardees—

(1) the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage participating Federal agencies to consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions appropriate for their education and experience; and

(2) Members and committees of Congress should consider opportunities for such awardees for such positions.

**SEC. 403. MODIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO ACCEPT DONATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.**

(a) *IN GENERAL.*—Section 204(c)(4)(E) (33 U.S.C. 1123(c)(4)(E)) is amended to read as follows:

“(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services.”.

(b) *PRIORITIES.*—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish priorities for the use of donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)), and shall consider among those priorities the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship’s placement of additional fellows in relevant legislative offices under section 208(b) of such Act (33 U.S.C. 1127(b)), in accordance with the recommendations under subsection (c) of this section.

(c) *REPORT.*—Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program, in consultation with the National Sea Grant Advisory Board and the Sea Grant Association, shall—

(1) develop recommendations for the optimal use of any donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)); and

(2) submit to Congress a report on the recommendations developed under paragraph (1).

(d) *CONSTRUCTION.*—Nothing in this section shall be construed to limit or otherwise affect any other amounts available for marine policy fellowships under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), including amounts—

(1) accepted under section 204(c)(4)(F) of such Act (33 U.S.C. 1123(c)(4)(F)); or

(2) appropriated under section 212 of such Act (33 U.S.C. 1131).

**SEC. 404. REPEAL OF REQUIREMENT FOR REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.**

Section 9 of the National Sea Grant College Program Act Amendments of 2002 (33 U.S.C. 857–20) is repealed.

**SEC. 405. REDUCTION IN FREQUENCY REQUIRED FOR NATIONAL SEA GRANT ADVISORY BOARD REPORT.**

Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amended—

(1) in the heading, by striking “BIENNIAL” and inserting “PERIODIC”; and

(2) in the first sentence, by striking “The Board shall report to the Congress every two years” and inserting “Not less frequently than once every 4 years, the Board shall submit to Congress a report”.

**SEC. 406. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.**

Section 204(b) (33 U.S.C. 1123(b)) is amended by inserting “for research, education, extension, training, technology transfer, public service,” after “financial assistance”.

**SEC. 407. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.**

(a) *IN GENERAL.*—During fiscal year 2019 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described in subsection (b) directly to a position with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(b) *QUALIFIED CANDIDATE.*—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship

under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

(1) earned a graduate or post-graduate degree in a field related to ocean, coastal, or Great Lakes resources or policy from an institution of higher education accredited by an agency or association recognized by the Secretary of Education pursuant to section 496(a) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a));

(2) received a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) within 5 years before the date the individual is appointed under this section; and

(3) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

**SEC. 408. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.**

(a) *IN GENERAL.*—Section 212(a) (33 U.S.C. 1131(a)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) *IN GENERAL.*—There are authorized to be appropriated to the Secretary to carry out this title—

“(A) \$87,520,000 for fiscal year 2020;

“(B) \$91,900,000 for fiscal year 2021;

“(C) \$96,500,000 for fiscal year 2022;

“(D) \$101,325,000 for fiscal year 2023;

“(E) \$106,380,000 for fiscal year 2024; and

“(F) \$111,710,813 for fiscal year 2025.”; and

(2) by amending paragraph (2) to read as follows:

“(2) *PRIORITY ACTIVITIES FOR FISCAL YEARS 2020 THROUGH 2025.*—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated \$6,000,000 for each of fiscal years 2020 through 2025 for competitive grants for the following:

“(A) University research on the biology, prevention, and control of aquatic nonnative species.

“(B) University research on oyster diseases, oyster restoration, and oyster-related human health risks.

“(C) University research on the biology, prevention, and forecasting of harmful algal blooms.

“(D) University research, education, training, and extension services and activities focused on coastal resilience and United States working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).

“(E) University research and extension on sustainable aquaculture techniques and technologies.

“(F) Fishery research and extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.”.

(b) *MODIFICATION OF LIMITATIONS ON AMOUNTS FOR ADMINISTRATION.*—Paragraph (1) of section 212(b) (33 U.S.C. 1131(b)) is amended to read as follows:

“(1) *ADMINISTRATION.*—

“(A) *IN GENERAL.*—There may not be used for administration of programs under this title in a fiscal year more than 5.5 percent of the lesser of—

“(i) the amount authorized to be appropriated under this title for the fiscal year; or

“(ii) the amount appropriated under this title for the fiscal year.

“(B) *CRITICAL STAFFING REQUIREMENTS.*—

“(i) *IN GENERAL.*—The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, to meet any critical staffing requirement while carrying out the activities authorized under this title.

“(ii) *EXCEPTION FROM CAP.*—For purposes of subparagraph (A), any costs incurred as a result of an exercise of authority described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.”.

(c) *ALLOCATION OF FUNDING.*—

(1) *IN GENERAL.*—Section 204(d)(3) (33 U.S.C. 1123(d)(3)) is amended—

(A) by striking “With respect to sea grant colleges and sea grant institutes” and inserting “With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects”; and

(B) in subparagraph (B), by striking “funding among sea grant colleges and sea grant institutes” and inserting “funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects”.

(2) *REPEAL OF REQUIREMENTS CONCERNING DISTRIBUTION OF EXCESS AMOUNTS.*—Section 212 (33 U.S.C. 1131) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 409. TECHNICAL CORRECTIONS.**

(a) Section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)(B)) is amended by moving clause (vi) 2 ems to the right.

(b) Section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, is further amended—

(1) in paragraph (2), by striking “The Secretary shall” and all that follows; and

(2) by adding at the end the following:

“(3) *AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.*—The Secretary shall”.

The CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 116–330 and amendments en bloc described in section 3 of House Resolution 748.

Each further amendment printed in House Report 116–330, shall be considered in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Natural Resources or his designee to offer amendments en bloc consisting of amendments printed in House Report 116–330 not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENTS EN BLOC OFFERED BY MR. CASE OF HAWAII

Mr. CASE. Madam Chair, pursuant to section 3 of House Resolution 748, I offer amendments en bloc under the rule.

The CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 1, 2, 3, 5, 7, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, and 28 printed in House Report 116–330, offered by Mr. CASE of Hawaii:

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF FLORIDA

Page 49, after line 24, insert the following:

(G) Activities or projects to address the immediate and long-term degradation or loss

of coral and coral reefs in response to bacteria, fungi, viruses, increased sea surface temperatures, ultraviolet radiation, and pollutants.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS  
OF FLORIDA

Page 66, line 4, insert “coral reefs,” after “environments.”.

AMENDMENT NO. 3 OFFERED BY MR. MORELLE OF  
NEW YORK

Page 35, line 4, strike “may” and insert “shall”.

AMENDMENT NO. 5 OFFERED BY MR. MCEACHIN  
OF VIRGINIA

Page 10, line 5, strike “or”.

Page 10, line 8, strike the period and insert “; or”.

(C) which include communities that may not have adequate resources to prepare for or respond to coastal hazards, including low income communities, communities of color, Tribal communities, and rural communities.

AMENDMENT NO. 7 OFFERED BY MR. LIPINSKI OF  
ILLINOIS

Page 45, line 25, insert after subparagraph (C) the following:

(C) Adaptive management strategies for Great Lakes ecosystems and resources, including strategies to support freshwater fisheries, monitor ice cover, manage phosphorous and nitrogen chemical loads, minimize invasive species and harmful blooms of algae, and create protected areas to maintain Great Lakes ecosystems.

Page 46, lines 1 and 7, redesignate subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively.

AMENDMENT NO. 10 OFFERED BY MS. MOORE OF  
WISCONSIN

Page 45, line 15, insert “combat invasive species,” after “strategies to”.

Page 46, after line 6, insert the following:

(E) A description of how the plan will address the impact of climate change affecting coastal communities will have on nearby Tribes, Tribal communities, and low-income or low-resource communities and how those stakeholders will be included in and informed about the development of the plan.

AMENDMENT NO. 11 OFFERED BY MS. MOORE OF  
WISCONSIN

Page 7, line 17, strike “and”.

Page 7, line 23, strike the period and insert “; and”.

(3) include an outreach or education component that seeks and solicits feedback from the local or regional community most directly affected by the proposal.

Page 11, after line 6, insert the following:

(II) Tribes and Tribal organizations;

AMENDMENT NO. 13 OFFERED BY MR. HIGGINS OF  
NEW YORK

Page 91, after line 14, insert the following:

(7) research on the impacts of harmful algal blooms, nutrient pollution, and dead zones on Great Lakes fisheries;

AMENDMENT NO. 15 OFFERED BY MS. SPEIER OF  
CALIFORNIA

Page 49, line 19, insert “, such as sea walls and living shorelines” after “environment”.

AMENDMENT NO. 16 OFFERED BY MS. BONAMICI  
OF OREGON

Page 48, line 19, insert “coastal acidification, hypoxia,” after “acidification.”.

AMENDMENT NO. 17 OFFERED BY MS. BONAMICI  
OF OREGON

At the end of title III, insert the following:

**SEC. 307. ADVANCED RESEARCH PROJECTS  
AGENCY-OCEANS.**

(a) AGREEMENT.—Not later than 45 days after the date of the enactment of this section, the Administrator shall seek to enter into an agreement with the National Acad-

emy of Sciences to conduct the comprehensive assessment under subsection (b).

(b) COMPREHENSIVE ASSESSMENT.—

(1) IN GENERAL.—Under an agreement between the Administrator and the National Academy of Sciences under this section, the National Academy of Sciences shall conduct a comprehensive assessment of the need for and feasibility of establishing an Advanced Research Projects Agency-Oceans (ARPA-O).

(2) ELEMENTS.—The comprehensive assessment carried out pursuant to paragraph (1) shall include—

(A) an assessment of how an ARPA-O could help overcome the long-term and high-risk technological barriers in the development of ocean technologies, with the goal of enhancing the economic, ecological, and national security of the United States through the rapid development of technologies that result in—

(i) improved data collection, monitoring, and prediction of the ocean environment, including sea ice conditions;

(ii) overcoming barriers to the application of new and improved technologies, such as high costs and scale of operational missions;

(iii) improved management practices for protecting ecological sustainability;

(iv) improved national security capacity;

(v) improved technology for fishery population assessments;

(vi) expedited processes between and among Federal agencies to successfully identify, transition, and coordinate research and development output to operations, applications, commercialization, and other uses; and

(vii) ensuring that the United States maintains a technological lead in developing and deploying advanced ocean technologies;

(B) an evaluation of the organizational structures under which an ARPA-O could be organized, which takes into account—

(i) best practices for new research programs;

(ii) metrics and approaches for periodic program evaluation;

(iii) capacity to fund and manage external research awards; and

(iv) options for oversight of the activity through a Federal agency, an interagency organization, nongovernmental organization, or other institutional arrangement; and

(C) an estimation of the scale of investment necessary to pursue high priority ocean technology projects.

(c) REPORT.—Not later than 18 months after the date of the enactment of this section, the Administrator shall submit to Congress a report on the comprehensive assessment conducted under subsection (b).

(d) DEFINITIONS.—In this section, the term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

AMENDMENT NO. 18 OFFERED BY MR. KILDEE OF  
MICHIGAN

At the end of title I, insert the following:

**SEC. 108. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.**

(a) UPDATE REQUIRED ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—

Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environment; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this subsection, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary \$7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

AMENDMENT NO. 19 OFFERED BY MS. PLASKETT  
OF VIRGIN ISLANDS

Page 75, lines 7-8, strike “paragraph (2)” and insert “paragraphs (2) and (4)”.

Page 75, after line 25, insert the following:

(4) WAIVER AUTHORITY.—The Secretary, in consultation with the Secretary of Commerce with respect to marine or estuarine projects, may waive the application of paragraph (2)(A) with respect to a State or an Indian Tribe, or otherwise reduce the portion of the non-Federal share of the cost of an activity required to be paid by a State or an Indian Tribe under paragraph (1), if the Secretary determines that the State or Indian Tribe does not have sufficient funds not derived from another Federal grant program to pay such non-Federal share, or portion of the non-Federal share, without the use of loans.

AMENDMENT NO. 20 OFFERED BY MS. JAYAPAL  
OF WASHINGTON

Page 55, line 25, strike “25” and insert “26”.

Page 56, line 16, strike “1 shall be a representative” and insert “2 shall be representatives”.

AMENDMENT NO. 21 OFFERED BY MS. JAYAPAL  
OF WASHINGTON

Page 11, line 16, strike “and”.

Page 11, line 20, strike the period and insert “; and”.

(3) to incentivize landowners to engage in living shoreline projects.

AMENDMENT NO. 22 OFFERED BY MS. JAYAPAL  
OF WASHINGTON

Page 10, line 15, strike “and”.

Page 10, line 18, strike the period and insert “; and”.

Page 10, after line 19, insert the following:

(iii) the consideration of an established eligible entity program with systems to disburse funding from a single grant to support multiple small-scale projects.



AMENDMENT NO. 24 OFFERED BY MR. LEVIN OF MICHIGAN

Page 49, line 1, insert “, avian,” after “marine”.

Page 49, line 5, insert “, avian,” after “fish”.

AMENDMENT NO. 25 OFFERED BY MR. LEVIN OF MICHIGAN

Page 91, after line 14, insert the following:  
(7) research into the affects of per- and polyfluoroalkyl substances, mercury, and other contaminants on fisheries and fishery ecosystems;

AMENDMENT NO. 27 OFFERED BY MR. ROUDA OF CALIFORNIA

Page 50, after line 24, insert the following:  
**SEC. 107. PRIZE COMPETITIONS.**

(a) IN GENERAL.—The Secretary may carry out a program to award prizes competitively under section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719), for the purpose described in subsection (b).

(b) PURPOSE.—The purpose described in this subsection is to stimulate innovation to advance the following coastal risk reduction and resilience measures:

(1) Natural features, including dunes, reefs, and wetlands.

(2) Nature-based features, including beach nourishment, dune restoration, wetland and other coastal habitat restoration, and living shoreline construction.

(3) Nonstructural measures, including flood proofing of structures, flood warning systems, and elevated development.

AMENDMENT NO. 28 OFFERED BY MR. ROUDA OF CALIFORNIA

Page 50, after line 24, insert the following:  
**SEC. 107 CATALOG OF RESEARCH ON APPLICABLE COASTAL RISK REDUCTION AND RESILIENCE MEASURES.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, acting through the Administrator, shall—

(1) identify all Department of Commerce research activities regarding applicable coastal risk reduction and resilience measures;

(2) consult with the heads of other Federal agencies to identify what activities, if any, those Federal agencies are conducting regarding applicable coastal risk reduction and resilience measures;

(3) evaluate the effectiveness of the activities identified under paragraphs (1) and (2); and

(4) appoint one or more officers or employees of the National Oceanic and Atmospheric Administration to liaise with non-Federal entities conducting research related to applicable coastal risk reduction and resilience measures in order to eliminate redundancies, cooperate for common climate research goals, and to make research findings readily available to the public.

(b) DEFINITION OF APPLICABLE COASTAL RISK REDUCTION AND RESILIENCE MEASURES.—In this section, the term “applicable coastal risk reduction and resilience measures” means natural features, nature-based features, or nonstructural measures.

The CHAIR. Pursuant to House Resolution 748, the gentleman from Hawaii (Mr. CASE) and the gentleman from Utah (Mr. BISHOP) each will control 10 minutes.

The Chair recognizes the gentleman from Hawaii.

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

Madam Chair, again, in the interests of an incredibly good bipartisan bill

and moving this bill forward, I offer this en bloc amendment, which is a package of a number of amendments offered by colleagues that all seek to further improve the resilience of our coastlines and of our Great Lakes.

I applaud the sponsors of these amendments for their thoughtful engagement on this issue and for acting to ensure that families in their districts are safe and healthy, with productive jobs and clean environments.

We are working to create a more sustainable, healthy planet, and this package of bills and these amendments will move us in the right direction.

Madam Chair, I reserve the balance of my time.

□ 1545

Mr. BISHOP of Utah. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I first want to thank the Democrats for at least not wasting our time by debating all of these amendments individually. But, once again, within the pockets you will find some good things and some not so good things that are part of what is going on here.

For example, there will be within that list some blanket waivers for Federal cost-sharing requirements. It is not a good idea to do it.

There are some stand-alone bills that are in there that have no regular order consideration in this House. It is also not a good process to go through.

But if we are going to throw regular order out the window and address 20 amendments all at once that don't really have that significant of a change or an impact, at least we are doing this in the most efficient and effective way that we possibly could. It is not necessarily making a bill, it is not really going anywhere better, but at least we are getting stuff done so we can say we have the illusion of activity on the floor.

Madam Chair, I urge rejection of the en bloc, and I reserve the balance of my time.

Mr. CASE. Madam Chair, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI), my colleague.

Mr. LIPINSKI. Madam Chair, I thank the gentleman from Hawaii for yielding and for his work on this bill.

Madam Chair, I rise in support of my amendment to ensure that Great Lakes States have access to the resources in this bill, so they can address climate change threats specific to our region.

Increased rain has already led to more agricultural runoff into the Great Lakes, resulting in higher bacterial counts and larger algal blooms. This has put our drinking water supplies at risk. Lake Michigan alone provides drinking water for 10 million people.

Climate change increasingly threatens Great Lakes wildlife, including fisheries important to our economy, by changing temperatures, precipitation patterns, and ice cover.

These are some of the reasons that America's “third coast,” our Great

Lakes States, need access to the resources in this bill.

Madam Chair, I thank Chairman GRIJALVA for his support, including my amendment in this en bloc, and I ask my colleagues to join me and support this amendment and the underlying bill.

Mr. BISHOP of Utah. Madam Chair, I reserve the balance of my time.

Mr. CASE. Madam Chair, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), my colleague.

Ms. BONAMICI. Madam Chair, I thank the gentleman from Hawaii for yielding.

Madam Chair, I rise today in support of the en bloc amendment.

The ocean covers more than 70 percent of the planet. It supplies much of the oxygen that we breathe, it regulates our climate, it is linked to the water we drink, and it is home to more than half of all life on Earth. But despite our intrinsic connection to our ocean, we know very little about what is beneath its surface.

As co-chair of the House Oceans Caucus, I have worked with my fellow co-chair for the caucus, Congressman DON YOUNG from Alaska, to improve ocean data and monitoring efforts through the introduction of our BLUE GLOBE Act. My amendment parallels those efforts and would direct the NOAA administrator to enter into an agreement with the National Academy of Sciences to assess the potential for, and feasibility of, an Advanced Research Project Agency-Oceans, or ARPA-O.

Coastal communities, like those I represent in northwest Oregon, rely on accurate ocean data and monitoring for information on ocean acidification, forecasting of harmful algal blooms and hypoxia, tsunami preparedness, navigation, and port security. And after the stark findings in the latest Intergovernmental Panel on Climate Change Special Report on “The Ocean and Cryosphere in a Changing Climate,” we know that ocean data and monitoring are more important than ever in adapting to the climate crisis.

My other amendment would add and expand a new grant program established in the underlying bill to strengthen research opportunities on coastal acidification and hypoxia. The basic chemistry of our oceans is changing at an unprecedented rate, and additional research efforts like those established in this bill will help communities respond.

I thank Chairman GRIJALVA and Mr. CRIST for their support of these amendments and for their leadership.

Madam Chair, I urge my colleagues to support the en bloc amendment.

Mr. BISHOP of Utah. Madam Chair, I continue to reserve the balance of my time.

Mr. CASE. Madam Chair, again, these en bloc amendments are critical additions and positive additions to a critical bill. These amendments address major issues related to the harmful impacts of climate change and

other man-made effects on our oceans, our coastlines, and our lakes.

For example, they single out the destruction that is being wrought, as we speak, on our coral reefs throughout our entire country, our coral reefs throughout the Gulf Coast, throughout Florida, and throughout the West Coast, in Hawaii and beyond: the acidification that has led to bleaching of these coral reefs. And as we all know, or at least I hope we all know, as go the coral reefs, so go our oceans.

These amendments would strengthen Federal programs that address the health of our coral reefs. These amendments go to harmful algal blooms, which are a problem throughout our country, as well.

What can we and should we do about it as a Federal coordinated effort? Of course, we should do something about that.

These amendments would strengthen this bill. These amendments would forward a Federal-State partnership, a community partnership, to address another harmful consequence which is killing our oceans.

These amendments would address coastal resiliency. How do we prevent our coastlines from eroding? In my own home State of Hawaii, we have seen significant erosion. And that is true of all of the other coasts: significant increases in sea level over a very, very recent period of time that has caused major erosion.

How can we adopt better overall programs that adapt to a changing ocean and do not worsen the problem of coastal erosion? How do we do that?

These amendments get at these issues. These are good, solid, and positive additions that our colleagues have come up with to strengthen a good, solid, and positive bipartisan bill.

Madam Chair, I support these amendments, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Chair, I appreciate especially the ability of putting all these amendments into en bloc to help move this process along. I am just looking at some of the issues that have been brought up already, and I am looking at the list of the Federal grants and the agencies that are already spending their money on these approaches.

If the issue is, obviously, you want more money spent on those programs, that is not an authorization that we are doing here. That is an appropriations issue. Go to the Appropriations Committee and talk about how that fits into the overall budget.

This does not necessarily move us forward, but at least we are not spending as much time as we would if we addressed each of these individually.

Mr. Chair, I urge a “no” vote, and I yield back the balance of my time.

Ms. MOORE. Mr. Chair, I rise in support of my amendments which are included in en bloc No. 1.

My amendments are simply. I will sum them up in six words: Community Engagement, Education, Outreach, and Consultation.

The impacts of climate change and environmental degradation affect us all. But the fact is climate change has a disparate impact on low-income and minority communities. Indeed, these communities are also disproportionately impacted by other environmental hazards. It is also worth mentioning that these communities, which suffer resource deficits, cannot simply relocate out of flood zones or pay for expensive mitigation efforts.

Similarly, my Native brothers and sisters have unique cultures that are highly vulnerable to climate change impacts which threatens their ways of life, subsistence, lands and water rights, and survival. For example, the Great Lakes have been an integral part of the history of many of the region's tribes.

However, too often, the most vulnerable communities are left out when it comes to the great ideas and projects like those we are authorizing in this bill. Tribal communities and low-income communities have a great stake in this debate. My amendment makes sure that they are included and active participants in the efforts authorized by this bill. My amendments would amend two of the grant programs in the bill to make clear that you must consult with, reach out, and meaningfully engage with tribal and low-income communities located where these projects are planned.

My amendments affect two programs created in this bill: the Living Shorelines Grant Program and the Climate Change Adaption Preparedness and Response Program.

The Living Shorelines Grant program is intended to fund the design, implementation, and monitoring of climate resilient living shoreline projects intended to protect coastal communities and ecosystem functions from environmental conditions, particularly those impacted by climate change.

The Climate Program is intended to help develop and fund comprehensive adaptation plans to help states better understand the scope of the threat of climate change, identify state-wide costs, and develop local strategies to ensure safety for their residents.

We get better policy making and outcomes when we ensure that all segments of our communities are engaged and meaningfully involved in the process.

I thank the chairman for his support of these commonsense amendments.

The Acting CHAIR (Mr. HECK). The question is on the amendments en bloc offered by the gentleman from Hawaii (Mr. CASE).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments en bloc offered by the gentleman from Hawaii will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. BROWN OF MARYLAND

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 116-330.

Mr. BROWN of Maryland. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 92, after line 7, insert the following:

**Subtitle C—Chesapeake Bay Oyster Research**  
**SEC. 218. SENSE OF CONGRESS.**

It is the sense of Congress that the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall be the primary representative of the Administration in the Chesapeake Bay.

**SEC. 219. GRANTS FOR RESEARCHING OYSTERS IN THE CHESAPEAKE BAY.**

(a) ESTABLISHMENT.—The Secretary of the Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish a grant program (in this section referred to as the “Program”) under which the Secretary shall award grants to eligible entities for the purpose of conducting research on the conservation, restoration, or management of oysters in the Chesapeake Bay.

(b) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) ALLOCATION OF GRANT FUNDS.—

(1) IN GENERAL.—The Secretary shall award a grant under the Program to eligible entities that submit an application under subsection (b).

(2) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the total amount of Federal funding received under the Program by an eligible entity may not exceed 85 percent of the total cost of the research project for which the funding was awarded. For the purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Secretary may waive all or part of the requirement in subparagraph (A) if the Secretary determines that no reasonable means are available through which an eligible entity applying for a grant under this section can meet such requirement and the probable benefit of such research project outweighs the public interest in such requirement.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ACADEMIC COMMUNITY.—The term “academic community” means faculty, researchers, professors, and representatives of State-accredited colleges and universities.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a member of the academic community, the seafood industry, a relevant nonprofit organization, or a relevant State agency, that is proposing or conducting a research project on the conservation, restoration, or management of oysters in the Chesapeake Bay developed through consultation with a member of the academic community, a member of the seafood industry, a relevant nonprofit organization, or a relevant State agency.

(3) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(4) SEAFOOD INDUSTRY.—The term “seafood industry” means shellfish growers, shellfish harvesters, commercial fishermen, and recreational fishermen.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$2,000,000 for each of the fiscal years 2020 through 2025 to carry out this section.

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from Maryland (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BROWN of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first recognize the hard work of Chairman GRIJALVA and the sponsors of the underlying pieces of legislation. This package reflects a bipartisan collaboration between Members dedicated to conserving our natural resources.

In the face of changing climate, extreme weather patterns and events, rising tides, disappearing species, and habitat destruction, it is critical we act now to preserve and protect our coastlines, and the communities and local economies that depend on the continued health of our water resources.

This includes the Chesapeake Bay, the largest estuary in the country, in my State of Maryland. The bay is critically important as an economic engine that attracts millions of tourists and supports thousands of jobs.

For decades, oyster harvesting was one of the bay's most important industries. Yet today, we are seeing an alarming decline in the bay's oyster population, a decline caused by climate change, years of overharvesting, ocean acidification, nutrient reduction, denitrification, habitat destruction, and oyster-debilitating disease. However, there is still much we don't know as to why the depletion is occurring and how best to conserve oysters.

Mr. Chairman, my amendment strengthens the underlying bill by providing research grants to those working to reverse the depletion and decline of oysters in the Chesapeake Bay. These grants support collaborative partnerships to research the long-term conservation, restoration, and management of oysters in the Chesapeake Bay.

This program will encourage collaborations between the academic community, the seafood industry, nonprofit organizations, and State agencies to develop new innovative solutions.

These grants will help us better understand why oyster hatcheries are crashing and to develop best practices in mitigating habitat destruction.

My amendment will provide us more tools to strengthen the oyster population and the health of the Chesapeake Bay.

Mr. Chairman, I encourage my colleagues to support this amendment and the underlying bill, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. BISHOP of Utah. Mr. Chairman, I actually don't have great pleasure in doing that because Mr. BROWN is a vital member of our committee, does a great

job, and defends his State brilliantly. I appreciate him doing that.

But, once again, the process we are doing is adding another new taxpayer program that already has existing programs in effect, and is actually a stand-alone bill that has not received a hearing, a markup, or a CBO score, and adding that to this, because this is, once again, the only train in town and we are not taking time to do these things individually as we ought to.

But when it comes to oyster research, which is extremely important, I recognize fully, as you see by the chart the total numbers in each of these years, starting in fiscal year 2014, are how much had been given to this particular program.

In 2018, it was \$617 million in funds from all of the different government agencies that actually participate. That includes Agriculture, Commerce, Defense, Homeland Security, Interior, and EPA for watershed restoration.

NOAA does have a Chesapeake Bay office. They provide research. They provide grants to both Maryland and Virginia. Last year, they also provided a grant to the Chesapeake Bay Foundation to add these programs in there.

What we are trying to say here is, it is already being done.

Now, if this is a problem of not enough money going into there, as some of the other speakers have said, well, that is not an issue of authorization. The authorization authority exists. That is a question of how much we are actually appropriating, which is an entirely different issue, which you should go to the Appropriations Committee to see if you actually want that number higher.

But, actually, the Federal Government does do this, and they are increasing with it. There is not a problem that needs authorization. If you need more money, that is an appropriations issue. This, unfortunately, is not about appropriations. This is about authorization.

So I appreciate the gentleman from Maryland. I appreciate his interest. I appreciate this issue. But it is already being done by other agencies. There is no need for another entity to enter into this particular market.

Mr. Chairman, I urge Members to vote "no," and I yield back the balance of my time.

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

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

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

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

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AMENDMENT NO. 6 OFFERED BY MR. HUIZENGA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 116-330.

Mr. HUIZENGA. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, after line 2, insert the following:  
(h) MINIMUM REQUIRED FUNDS FOR SHORELINE PROJECTS LOCATED WITHIN THE GREAT LAKES.—The Secretary shall make not less than 10 percent of the funds awarded under this section to projects located in the Great Lakes.

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from Michigan (Mr. HUIZENGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA. Mr. Chair, while I stand here today as I offer my amendment, residents across the Great Lakes are facing imminent threats to their property, their infrastructure, and the shorelines themselves due to historically high water levels.

Great Lakes communities, including many in my own district along the shores of Lake Michigan, are in critical need of shoreline projects to protect against devastating erosion.

For those of us who call the region home, the Great Lakes forever shape our way of life. It is where we recreate. It is where we do business. It is where we pass along the heritage of our region.

The Great Lakes form the largest fresh surface water system on the Earth, holding nearly 20 percent of the world's freshwater supply.

They directly generate more than 1.5 million jobs, provide the backbone of a \$5 trillion regional economy, and are the home for more than 3,500 different plants and species.

As I often say, we can and should protect and promote both the economy and the ecology of the Great Lakes. However, our communities are facing devastating consequences if we don't act to protect our shorelines now. The high water levels, combined with the effect of recent storms that brought even higher waves and strong winds, are threatening our communities.

Public infrastructure, including roads, bridges, and docks, have been battered and, in some cases, actually lost. Recreational beaches have disappeared, and others are covered with dangerous debris now. Habitats have been destroyed. Numerous homes are teetering on the edge of dune cliffs or are threatened by the rising water level.

This amendment, which would set aside just 10 percent of the spending in these particular projects, would ensure that communities within the Great Lakes system receive necessary funding through the living shoreline grant program to protect and preserve our shorelines.

It is imperative that resources are provided through all available options to enhance the shorelines of the Great Lakes and to protect our homes and our communities.

I understand the ranking member's position on this particular package of bills and Senate activity, or maybe lack thereof on this. Yet, I do have a responsibility to not only highlight this issue but to advocate for those who are in desperate need and in desperate situations.

That is one of the reasons I will be supporting this package. I ask for consideration of my colleagues to help adopt this amendment.

Whether it is going together as a package or whether it gets dealt with separately in the Senate, I know that this is something that we need to look at as a legislative body, and we need to act now.

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

Mr. CASE. Mr. Chair, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

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

Mr. CASE. Mr. Chair, for our majority colleagues, I deeply appreciate my colleague's comments in support of his amendment and his appreciation and understanding of the communities that he represents, in terms of the impacts of climate change and other man-made causes not only on our oceans, because we tend to focus on our oceans, but on our lakes, to include our Great Lakes.

The Great Lakes are currently experiencing nearly record high water levels, causing widespread erosion of beaches and property and costing people their lives. In fact, there have been over 50 percent more deaths in the Great Lakes in 2019 because of these dangerous conditions compared to 2018.

These high lake levels are forecast to continue for 2020 and, in all likelihood, beyond. Just this month, 12 Michigan State lawmakers asked Governor Whitmer to declare a state of emergency for the Lake Michigan shoreline because of water levels.

Resilient, living shorelines are one of the best options for the Great Lakes communities dealing with the impacts of high lake levels, as they are for other communities in the body of this bill.

Our majority does support my colleague's amendment to be sure that this money does find its way to where it is most needed. I support this amendment, and I yield back the balance of my time.

Mr. HUIZENGA. Mr. Chairman, I appreciate the chairman from Hawaii and his acknowledgment of what is going on in the Great Lakes.

In fact, it was my own State representative who led that letter of State legislators requesting Governor Whitmer to declare this emergency declaration so that the Federal Government can look at that.

Mr. Chair, I appreciate that support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA). The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. KATKO

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 116-330.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 91, after line 14, insert the following:  
(7) harmful algal bloom development research;

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from New York (Mr. KATKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

I rise in support of my amendment to H.R. 729, which I am proud to offer with my colleagues from New York, Representatives MORELLE, BRINDISI, and STEFANIK.

This amendment would explicitly authorize the U.S. Geological Survey to conduct research on harmful algal bloom, or HAB, development within the Great Lakes Basin system. This research would help to address significant risks that algal blooms pose to freshwater ecosystems, including the production of toxins that endanger humans and animal life.

These hazards are all too familiar to the community that I represent in central New York, which has faced a rising number of outbreaks in recent years. In these instances, outbreaks have jeopardized the availability of clean drinking water for my constituents and directly impacted the health of our lakefront communities.

Unfortunately, this issue extends beyond my district and even further beyond the Great Lakes. These algal blooms have been recorded in all 50 States, necessitating increased Federal support for research and mitigation efforts nationwide.

Research conducted in the Great Lakes under this amendment would help to stem the increasing spread of this toxic threat and provide peace of mind to at-risk communities.

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

Mr. CASE. Mr. Chair, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

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

Mr. CASE. Mr. Chairman, I very much appreciate my colleague's efforts on this particular amendment, which, as he points out, is a truly bipartisan amendment joined in by Members from the New York delegation on a bipartisan basis. I think this illustrates a couple of different things.

First of all, this bill and these amendments need not be partisan. In fact, they offer one of the best avenues forward for true bipartisanship as we confront the crisis of climate change.

Second, they illustrate that when we talk about our marine resources and climate change, and in this bill, we focus on our oceans and tend to think that our coastal States are those that are affected. Clearly, it is not only our coastal States that are affected.

Many States throughout our country are directly affected by the impacts of climate change, including New York State, in conjunction with the Great Lakes. So this is an amendment that we can support. Every year, we seem to hear about another toxic algal bloom in the Great Lakes closing beaches or fisheries.

It is important that the fishery research reauthorization in this bill include researching the impacts of harmful algal blooms because there is a lot that is unknown about the causes of these toxic blooms and the long-term effects in fish populations.

When we speak of fish populations in the Great Lakes, we speak not only of the benefits of the fish populations through our natural ecosystems in the Great Lakes and not only of recreational fisheries, but we speak in the range of some 75,000 jobs that can be directly attributed to the health of our fisheries in our Great Lakes. So I am pleased to urge adoption of this amendment, and I yield back the balance of my time.

Mr. KATKO. Mr. Chairman, I thank my colleague from Hawaii. I urge adoption of my amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. KATKO

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 116-330.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 49, after line 24, insert the following:  
(G) Projects to assess the impact on coastal resiliency of water level regulating practices on the Great Lakes.

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from New York (Mr. KATKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, I rise in support of my amendment to H.R. 729, the Coastal and Great Lakes Communities Enhancement Act. This amendment would extend the eligibility for grant funding under H.R. 729 to projects that assess the impact of Great Lakes water level management practices on coastal resiliency.

My constituents on Lake Ontario's southern shore have faced record high and oftentimes catastrophic water levels in 2 of the last 3 years. These rising levels have resulted in catastrophic flood damage and coastal erosion, threatening the physical well-being of our communities and posing an existential threat to the local economy.

As water levels continue to rise across the Great Lakes, it is important that we thoroughly evaluate all the factors that contribute to the health of our coastal communities, including the water level management procedures that are supposed to mitigate those threats to our coasts.

My amendment will provide necessary support to projects that include a thorough evaluation of these procedures as a part of the broader effort to improve coastal resiliency across the Great Lakes.

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

Mr. CASE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

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

Mr. CASE. Mr. Chairman, again, this is a very positive, bipartisan amendment by the Members from New York and indicates that we can, in fact, proceed in a bipartisan way on these critical issues.

As already noted earlier in my remarks, the Great Lakes have experienced record or near-record high levels of water this year and are projected to continue to have high levels next year and well beyond.

Many coastal communities and property owners in the Great Lakes are suffering from accelerated land loss and erosion. This amendment rightfully ensures that water level regulating practices can be a part of coastal resilience planning.

I only regret that when it comes to our world's oceans, we don't have the luxury of regulating sea levels in accordance with water level regulating practices.

We support this amendment and the intent of this amendment, but I must indicate a caution for the RECORD, and that is that if this amendment leads to the uncontrolled, indiscriminate construction of dams throughout our country, we need to be careful because dams are double-edged swords. They can be a tremendous boon to water reg-

ulating practices and electricity, energy, sports and fishing, and many other concerns, but they can have unintended environmental consequences.

I would simply caution that as we go forward with the implementation of this amendment, I hope that we pay very close attention to the sound science behind water level regulating practices.

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

Mr. KATKO. Mr. Chairman, I urge adoption of my amendment, but I will note that my colleague from Hawaii is right in that this needs to be properly administered if it is, in fact, made into law.

One of the problems we have in the Great Lakes in general is the high water levels. What we have on Lake Ontario is something called the International Joint Commission, which I would argue is not properly administering the water levels and is contributing greatly to the problem.

This amendment is meant, in part, to address that and to have more uniformity with respect to the application of water levels and considering more the impact on the coastal shorelines from those regulations.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. CRIST

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 116-330.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 48, lines 19-20, insert "harmful algal blooms," after "ocean acidification,".

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from Florida (Mr. CRIST) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. CRIST. Mr. Chair, my amendment today is simple. It clarifies that projects to address harmful algal blooms are eligible for priority funding under the climate change adaptation, preparedness, and response program created by the underlying bill.

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Last year, the State of Florida was ravaged by simultaneous outbreaks of red tide and blue-green algae. Floridians across the State were forced to endure threats to their health. Dead fish, dolphins, and Florida's iconic manatees washed up on our beaches in droves, and an awful and inescapable stench drifted inland for miles.

In Florida, our waterways and natural resources are our livelihoods, but these harmful algae blooms threaten that. According to a damage assessment from the Tampa Bay Regional

Planning Council, businesses in the 12 most impacted counties lost over \$130 million in 4 short months, and at least 300 hardworking Floridians lost their jobs as a direct result of these outbreaks.

This is not just a seasonal nuisance. These outbreaks are a threat to Florida's environment and to our very way of life. As our State still struggles to recover from last year's disaster, another red tide outbreak is happening right now.

The reality is that these outbreaks will only get worse as our climate changes and our oceans warm. It is imperative that any program to help prepare our communities for the impacts of climate change also includes initiatives to address harmful algae blooms such as red tides.

Mr. Chairman, I would like to thank the bipartisan sponsors of my amendment: the gentleman from Florida (Mr. ROONEY); the gentlewoman from Oregon, Chairwoman BONAMICI; the gentlewoman from Ohio, Chairwoman KAPTUR; and the gentleman from Florida (Mr. HASTINGS). I would also like to thank the Rules Committee for making my amendment in order.

Mr. Chairman, I urge my colleagues to support this critical amendment as well as the underlying bill, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. BISHOP of Utah. Mr. Chairman, this is, once again, where we have the same situation that the issue and the problem of which the gentleman from Florida speaks is real and it is there. The concept is it is already also being addressed. These are the kinds of programs that already exist to do exactly what the gentleman wishes to do.

Nonetheless, this amendment would authorize a duplicative program that would cost \$114 million if it were actually implemented. But just because we pass the amendment doesn't mean the money is there to implement the program.

So much of the opposition and so many of the complaints that we have been hearing are that there is not enough money appropriated to do it. The \$114 million doesn't exist until there is an appropriation to actually go about that concept.

Here is where the problem lies for all of these amendments that we are going to be hearing for this entire process. The bill is the Harmful Algal Bloom and Hypoxia Research and Control Act, passed in 1998, which already provides the legal authority and the funding level—not necessarily the appropriation but the legal, authorized funding level—for algae bloom prevention and control.

In addition—in addition to these activities—and they are being conducted by NOAA, USGS, NASA, the Army Corps of Engineers, and EPA—it is the

concept we have been saying all along, this entire concept of this package that we are bringing in here is stuff that is trying to highlight another issue and another problem which may be, in this case, a legitimate issue and problem, but fails to realize it is already covered.

Mr. Chairman, you don't need a duplicative program to do what we are already doing. If you want more money for it, that is another issue, and that doesn't take place in these authorizations. That takes place in appropriations. But we are already doing it.

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

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

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

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

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

AMENDMENT NUMBER 14 OFFERED BY MR. PANETTA

The Acting CHAIR. It is now in order to consider amendment No. 14 printed House Report 116-330.

Mr. PANETTA. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 92, after line 23, insert the following:  
(3) Collaborations and partnerships between institutions of higher education and Federal agencies help ensure digital data focused on coastal management issues are communicated effectively between such entities.

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from California (Mr. PANETTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PANETTA. Mr. Chairman, I rise to offer an amendment to H.R. 729, the Coastal and Great Lakes Communities Enhancement Act.

As we have heard today, this bill helps communities like mine on the central coast of California prepare for and respond to climate change, and it does this with scientific data to address coastal and ocean management.

More importantly, this bill establishes the National Oceanic and Atmospheric Administration's Digital Coast program, a web-based collection of tools, training resources, and data that informs coastal managers on their climate-related decisions.

Now, my amendment will expand that data set, and it will do that by encouraging collaborations and partnerships between higher educational institutions and Federal agencies.

Now, in my district, there are coastal colleges and universities that are pur-

suing cutting-edge research focused on coastal resilience. At the same time, there are Federal agencies like NOAA that are doing innovative work on this very same topic.

My amendment will ensure that there is communication, coordination, and collaboration between academic scholars and the policymakers when it comes to digital data focused on coastal management issues. This will not only improve the relevance and applicability of our Nation's efforts to protect coastal communities, but it will help our Nation gather the evidence it needs and continue being the leader it needs to be when it comes to mitigation and adaptation in dealing with climate change.

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

Mr. BISHOP of Utah. Mr. Chairman, I claim the time in opposition, although, in all fairness, I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Chairman, this adds a finding to it. It doesn't have any cost. This is not a duplicative program because it is a finding, so I support this amendment.

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

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

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

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

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

AMENDMENT NO. 23 OFFERED BY MS. MUCARSEL-POWELL

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 116-330.

Ms. MUCARSEL-POWELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 17, line 6, insert "corals," after "submerged aquatic plants,".

Page 17, line 18, insert "corals," after "submerged aquatic vegetation,".

The Acting CHAIR. Pursuant to House Resolution 748, the gentlewoman from Florida (Ms. MUCARSEL-POWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. MUCARSEL-POWELL. Mr. Chairman, I rise in support of my amendment, which would ensure that corals are included in projects eligible for grants provided for by section 102 of the underlying bill, the Living Shorelines grant program.

Living shorelines are essential for protecting our coastlines from rising sea levels and stronger wave action from intensifying storms.

My district in south Florida benefits greatly from many elements of living shorelines. Mangroves absorb the power of strong waves, protect our coasts from erosion, and store carbon. Our beautiful Everglades provide tremendous flood protection, clean our water, and provide habitats for so many types of wildlife.

Another crucial tool in our natural toolbox is coral reefs, and we must ensure that projects to protect and restore our reefs are eligible for grants.

My district is home to the third largest barrier reef in the world and the only barrier reef in the continental United States. Healthy corals dissipate the force of waves and protect coastlines from damage and erosion. In fact, according to NOAA, healthy coral reefs absorb 97 percent of a wave's energy, providing significant shoreline protection.

Unlike concrete and stone seawalls and breakwaters, coral reefs have a tremendous amount of biodiversity that is unparalleled under the surface. They are the rain forest of the ocean. They are essential for our tourism industry and for our fishing industry, both recreational and commercial.

Our coral reefs are suffering right now under the stressors of today's environment and human activity. We need to take steps wherever we can to protect and restore our reefs.

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

Mr. BISHOP of Utah. Mr. Chairman, again, I claim the time in opposition.

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

Mr. BISHOP of Utah. Mr. Chairman, we, once again, are in the same situation. This is not a bad idea, and it is not a bad concept. In fact, it is such a good concept, we are already doing it.

So, if I quote NOAA in their testimony in our committee, the agency currently provides financial and technical assistance to coastal communities for the use of living shorelines through existing programs. The program already has \$300 million that is going in there, and it is going through those areas, including the Interior, NOAA, Fish and Wildlife, EPA, Science Foundation, United States Fish and Wildlife Service, and the Department of Agriculture.

All of those are providing funds for this very thing, which means it is happening. You don't need to add this language to have it happen, Mr. Chairman, because it already is happening.

By adding the language, I guess, well, you get to add another line in the code, and you can say you passed something. But the bottom line is it still is an unnecessary amendment to an unnecessary bill because the authority and the authorization is already there.

The only thing that might not be there is, once again, you don't think it



is spending enough money, in which case that is an appropriations issue, not an authorization issue.

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

Ms. MUCARSEL-POWELL. Mr. Chairman, I appreciate the concern of my fellow colleague from the other side, but you know the technicalities that we have to deal with when dealing with bureaucratic agencies and governments. So we just need to make sure that we do not exclude such a crucial part of what we are talking about, which is protection for our shorelines.

I just want to mention one more thing, that the annual benefits of coral reefs, including a flood protection barrier for more than 18,000 coastal citizens, actually provide \$1.8 billion worth of coastal infrastructure in the United States in terms of benefits. So, whatever we are going to spend in providing grants to protect our coral reefs, we are going to receive back in benefits.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. MUCARSEL-POWELL).

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

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

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

AMENDMENT NO. 26 OFFERED BY MRS. LURIA

The Acting CHAIR. It is now in order to consider amendment No. 26 printed House Report 116-330.

Mrs. LURIA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 24, strike "and".

Page 9, line 18, strike the period and insert "; and".

Page 9, line 19, insert "(E) the potential of the project to support resiliency at a military installation or community infrastructure supportive of a military installation (as such terms are defined in section 2391 of title 10, United States Code)."

The Acting CHAIR. Pursuant to House Resolution 748, the gentlewoman from Virginia (Mrs. LURIA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. LURIA. Mr. Chairman, I rise to offer an amendment to H.R. 729, the Coastal and Great Lakes Communities Enhancement Act.

My amendment directs NOAA to consider the potential of proposed living shoreline projects to enhance the resiliency of military installations and the communities that surround them.

Earlier this year, the Department of Defense found that well over half of the highest priority military installations

are or will be at risk of recurrent flooding. The report found that greater Hampton Roads is one of the areas "most vulnerable to flooding" in the entire United States.

Hampton Roads is home to the largest Navy base in the world and installations from every branch of the service. When it floods in coastal Virginia, it is both a local nuisance as well as a threat to our national security.

Coastal Virginians are stepping up to meet this challenge. The cities of Norfolk and Virginia Beach have proposed almost \$1.5 billion in coastal resiliency infrastructure, but Hampton Roads and other coastal localities with military presence cannot bear the cost of sea level rise, severe storms, and recurrent flooding alone.

My amendment will strengthen H.R. 729 by ensuring that NOAA takes into account the crucial role resiliency projects can play in bolstering our national security and our local communities.

Mr. Chairman, I urge my colleagues to support this amendment and the underlying bill, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I would actually ask to claim the time in opposition, though, once again, I am not really opposed to this amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Chairman, this is one of those elements which, once again, the gentlewoman raises an issue that I think is right, it is good, and it is appropriate; and the idea that we should make sure these considerations take effect is an appropriate thing.

The concept, once again, but the problem is there is nothing that prohibits that from being done, and, indeed, it is being done even as we speak, but you want to reemphasize it.

Once again, we should be taking military consideration into everything we are doing, not just this particular amendment. But it is the right concept there. It is why I am not really opposed to this. It is the right thing to do.

Actually, it is such a right thing to do, we should have been spending our time doing the NDAA, which is much more successful and much more important to the military. That should have been passed months ago. That is how important this particular topic is.

I am not really opposed to it. It is, once again, redundant, and we are already doing that. There is nothing that stops us from doing that.

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

□ 1630

Mrs. LURIA. Mr. Chair, I yield 1 minute to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Chair, I applaud the sponsor of this amendment, my colleague from the beautiful and critical Virginia coast.

Everything she said in her remarks could easily have applied to many, many of our military installations across the country.

Of course, Hampton Roads is critical to our Nation's defense, and so is Joint Base Pearl Harbor, the home of our Air Force and our Navy in the Indo-Pacific, as is Marine Corps Base Kaneohe, the home of our marines in the Indo-Pacific.

My colleague, as a member of the Committee on Armed Services, knows full well that our military has actually taken the lead in assessing the realistic consequences of climate change on our military installations across the country. They deserve credit for that. They also need help with that. My colleagues' amendment would provide them that help and will create the partnership that we need to guarantee the continued security and operation of our Nation's key military installations and the family communities that depend on them.

Mrs. LURIA. Mr. Chair, coastal resiliency projects, such as the Living Shoreline Program, can strengthen our military and the local communities that support them. My amendment will improve H.R. 729 by ensuring that NOAA considers the national security benefits of these projects.

Let me be clear: A vote against this amendment is a vote to turn our backs on our servicemembers and military families, as well as disregard the future of military readiness in our coastal communities.

Mr. Chair, I urge my colleagues to support this critical amendment in the underlying bill, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, let's just say this: In concept once again, regardless of how one votes on this amendment, the issue is still significant. The issue is still being covered. The issue is already being done. There is a redundancy in some elements to it, but it is a redundancy for a good cause.

Mr. Chair, I am not going to vote against it, but, once again, we are doing it. We are doing it already, that is what we are doing with the entire package that we are debating. We are doing it already.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. LURIA).

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

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

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

AMENDMENT NO. 29 OFFERED BY MR. JOHNSON OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 29 printed House Report 116-330.

Mr. JOHNSON of Louisiana. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE V—STREAMLINING  
ENVIRONMENTAL APPROVALS**

**SEC. 501. ADDRESSING PERMITS FOR TAKING OF  
MARINE MAMMALS.**

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(D)) is amended as follows:

(1) In clause (i)—

(A) by striking “citizens of the United States” and inserting “persons”;

(B) by striking “within a specific geographic region”;

(C) by striking “of small numbers”;

(D) by striking “such citizens” and inserting “such persons”; and

(E) by striking “within that region”.

(2) In clause (ii)—

(A) in subclause (I), by striking “, and other means of effecting the least practicable impact on such species or stock and its habitat”;

(B) in subclause (III), by striking “requirements pertaining to the monitoring and reporting of such taking by harassment, including” and inserting “efficient and practical requirements pertaining to the monitoring of such taking by harassment while the activity is being conducted and the reporting of such taking, including, as the Secretary determines necessary,”; and

(C) by adding at the end the following: “Any condition imposed pursuant to subclause (I), (II), or (III) may not result in more than a minor change to the specified activity and may not alter the basic design, location, scope, duration, or timing of the specified activity.”.

(3) In clause (iii), by striking “receiving an application under this subparagraph” and inserting “an application is accepted or required to be considered complete under subclause (I)(aa), (II)(aa), or (IV) of clause (viii), as applicable,”.

(4) In clause (vi), by striking “a determination of ‘least practicable adverse impact on such species or stock’ under clause (i)(I)” and inserting “conditions imposed under subclause (I), (II), or (III) of clause (ii)”.

(5) By adding at the end the following:

“(viii)(I) The Secretary shall—

“(aa) accept as complete a written request for authorization under this subparagraph for incidental taking described in clause (i), by not later than 45 days after the date of submission of the request; or

“(bb) provide to the requester, by not later than 15 days after the date of submission of the request, a written notice describing any additional information required to complete the request.

“(II) If the Secretary provides notice under subclause (I)(bb), the Secretary shall, by not later than 30 days after the date of submission of the additional information described in the notice—

“(aa) accept the written request for authorization under this subparagraph for incidental taking described in clause (i); or

“(bb) deny the request and provide the requester a written explanation of the reasons for the denial.

“(III) The Secretary may not make a second request for information, request that the requester withdraw and resubmit the request, or otherwise delay a decision on the request.

“(IV) If the Secretary fails to respond to a request for authorization under this subpara-

graph in the manner provided in subclause (I) or (II), the request shall be considered to be complete.

“(ix)(I) At least 90 days before the expiration of any authorization issued under this subparagraph, the holder of such authorization may apply for a one-year extension of such authorization. The Secretary shall grant such extension within 14 days after the date of such request on the same terms and without further review if there has been no substantial change in the activity carried out under such authorization nor in the status of the marine mammal species or stock, as applicable, as reported in the final annual stock assessment reports for such species or stock.

“(II) In subclause (I) the term ‘substantial change’ means a change that prevents the Secretary from making the required findings to issue an authorization under clause (i) with respect to such species or stock.

“(III) The Secretary shall notify the applicant of such substantial changes with specificity and in writing within 14 days after the applicant’s submittal of the extension request.

“(x) If the Secretary fails to make the required findings and, as appropriate, issue the authorization within 120 days after the application is accepted or required to be considered complete under subclause (I)(aa), (II)(aa), or (III) of clause (viii), as applicable, the authorization is deemed to have been issued on the terms stated in the application and without further process or restrictions under this Act.”.

**SEC. 502. REMOVING DUPLICATIONS.**

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(D)), as amended, is further amended by adding at the end the following:

“(xi) Any taking of a marine mammal in compliance with an authorization under this subparagraph is exempt from the prohibition on taking in section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538). Any Federal agency authorizing, funding, or carrying out an action that results in such taking, and any agency action authorizing such taking, is exempt from the requirement to consult regarding potential impacts to marine mammal species or designated critical habitat under section 7(a)(2) of such Act (16 U.S.C. 1536(a)(2)).”.

The Acting CHAIR. Pursuant to House Resolution 748, the gentleman from Louisiana (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JOHNSON of Louisiana. Mr. Chair, I rise to offer this amendment to the underlying legislation, H.R. 729, the Coastal and Great Lakes Communities Enhancement Act.

My amendment seeks to provide critical reforms to duplicative, burdensome, and outdated policies that hamper energy exploration and critical coastal restoration. To be clear, coastal restoration is vital to deterring ecosystem degradation and fueling economic sustainability for communities who call this southernmost part of Louisiana home.

The loss of our coastal areas presents an increased threat to safety within residential communities, and it negatively impacts business investments due to the difficulty in obtaining insurance.

Since the 1930s, Louisiana has suffered nearly 1,900 square miles of land

loss, and it is anticipated to lose an additional 4,000-plus, unless Congress acts to loosen the regulations that have delayed critical projects that bolster vulnerable habitats and communities.

Take my home State of Louisiana, for example, which has greatly suffered from overreaching government regulation.

In March of 2017, the Coalition to Restore Coastal Louisiana announced the Mid-Barataria Sediment Diversion Project was going to be delayed an additional 2 years due to permitting issues. This project is considered the very cornerstone of the Coastal Protection and Restoration Authority’s 2017 Coastal Master Plan to mitigate flood risks, restore and protect critical habitats, and ensure Congress is not debating the issue 15 years after the region has been irreparably lost and sunk into the Gulf of Mexico.

In addition, this amendment supports the national security interest of the United States to ensure our men and women in uniform are able to properly train for future missions.

In 2016, a Federal court of appeals revoked the U.S. Navy’s authorization to use sonar for critical national security training because it conflicted with the rules and regulations under the MMPA. To address these delays directly, my amendment simply makes common-sense updates to the MMPA that help increase regulatory efficiency and remove duplicative permitting requirements under Federal law.

For anyone to insinuate that this amendment will destroy protections and result in wetland and species decline is simply untrue. In fact, the reforms made by my amendment would further support coastal habitats and species restoration, U.S. national security interest, and American energy independence.

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

Mr. CASE. Mr. Chair, I rise in opposition to the amendment.

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

Mr. CASE. Mr. Chair, this amendment is not a coastal resilience amendment. This amendment has nothing to do with the underlying bill; in fact, it was a miracle that it was ruled germane. This amendment instead is simply an unneeded handout to oil and gas companies that takes us in exactly the wrong direction, not only on climate change, but on the very survival of our oceans.

We all know, and I remind everybody, that this language is the exact language that in past Congresses was included in the other side’s ocean drilling package that would have paved the way for faster permitting of seismic testing and ocean drilling.

Why? Because our oceans marine mammals get in the way of that.

Congress first enacted the Marine Mammal Protection Act over 40 years

ago to protect all marine mammals in response to declines caused by human activities, and it has worked successfully for almost all of those years. The Marine Mammal Protection Act ensures that activities that may result in incidental harm or take of marine mammals are thoroughly reviewed, rather than permitted through the expedited and inadequate process proposed by this bill.

Activities such as seismic air gun testing used for oil and gas exploration, offshore drilling, sonar, and geophysical surveys can all affect marine mammals. And while I sometimes hear the other side falsely claim that these activities have not killed any marine mammals, the best available science for decades has demonstrated that, in fact, there are significant long-term negative impacts on several marine mammal species that do, in fact, cause their death.

This amendment would undermine critical protections under the Marine Mammal Protection Act by striking the conditions required for permitted activities. It would allow for unmitigated incidental harm, that is without the current safeguards that would allow for the, "least practicable impact on such species or stocks," among other things. Is it too much to ask that we require the least practicable impact on such species or stock?

It would further limit mitigation for any incidental losses and requirements for monitoring. These legislative changes would allow industry to continue their activities with oversight of their impacts only if it was, "efficient and practical." Efficient and practical? Let's just give them carte blanche to gut this bill, literally and figuratively.

Lastly, this amendment would waive requirements for take and consultation under the Endangered Species Act, another decades-long cornerstone of our protection of our natural species for any threatened or endangered marine mammals. The ESA has been critical to the recovery of several populations of marine mammals and is needed to protect other species from extinction.

Let's keep the focus where we can focus on a bipartisan solution to climate change as it affects our oceans, our coastlines and our lakes. Let's keep the focus on coastal resilience, on assisting communities, on fostering Federal-State organization partnerships, on living in the present and the future and not in the past on the effects of climate change.

Let's keep that focus there, rather than use this bill, this amendment, to provide a desired handout to an industry that does not or has not demonstrated a true understanding of its impacts on our oceans, an industry that does need to continue to be regulated through strong positive time-tested legislation, such as the Marine Mammal Protection Act.

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

Mr. JOHNSON of Louisiana. Mr. Chair, I really appreciate the gentle-

man's zeal, but I want him to know the focus is on the right thing. We are focused here on solving problems.

This is not the first time this legislation has been misunderstood or even mischaracterized. As I stated previously, those who say that this amendment would weaken the effectiveness of certain elements of the Marine Mammal Protection Act resulting in industries involved with offshore areas having unfettered access to conduct activities that are detrimental to marine life is just absolutely not the case.

This amendment would roll back burdensome regulations on companies seeking to do business in offshore areas, but it does it in a very safe and responsible way. The current process is just too burdensome; it is too time-consuming.

Though the MMPA includes statutory deadlines for Federal agencies processing Incidental Harassment Authorization applications, industries operating in offshore areas cite delays that last hundreds of days, and that is just simply not acceptable.

Previously, the Government Accountability Office reported on this exact issue. The GAO discovered that the National Marine Fishery Service and the Fish and Wildlife Service failed to meet basic tasks, which included accurately recording application dates and timelines. In addition, the GAO found that some IHA applications sat within these agencies for years. In addition, ESA's list of species recovery efforts have also been hampered or delayed by the current IHA process.

During a previous Water, Power and Ocean Subcommittee hearing on marine mammal predation of ESA-listed salmon species in the Pacific Northwest, the then-regional director of the Washington Department of Fish and Wildlife testified that, "the conditions associated with the current requirements of Section 120 of the MMPA are challenging and expensive to implement, limited in scope and legal challenges have slowed the progress in reducing impacts to salmon." That is just one species, as an example, but it illustrates the need for this amendment to be adopted to H.R. 721.

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

Mr. CASE. Mr. Chair, I am prepared to close after the gentleman closes, and I reserve the balance of my time.

Mr. JOHNSON of Louisiana. Mr. Chair, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP), our distinguished ranking member.

Mr. BISHOP of Utah. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIR. The gentleman has 1½ minutes.

Mr. BISHOP of Utah. Mr. Chair, unlike the other amendments that we have had, this is the only one that is added here that actually has had a hearing. It has had a markup, it has

gone through regular order, and it is the only one that is not doing something that is duplicative.

This is a problem that does exist and trying to make it to actually happen. Everything else we have talked about is stuff that is nice, but it is duplicative. It doesn't actually do anything. This is the only one that does something, and it does something in a positive way.

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

Mr. CASE. Mr. Chair, we understand that for some industries interested in the exploitation of our oceans that the Marine Mammal Protection Act is inconvenient. We understand that we ask for limitations on the activities of those industries, which would otherwise not demonstrate any discernible concern for our oceans. And we reject the basic premise that that regulation is not necessary for our oceans.

Our marine mammals deserve our protection, and we have protected them, and we have worked through the give-and-take of legitimate activities in the oceans where they can and should be balanced with impacts on our marine mammals.

So, again, I respectfully submit that this particular proposal, which has been—as the ranking member points out—thoroughly vetted in prior Congresses, although not brought to the floor, can in fact yield a good, solid debate. But we simply reject the position taken.

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

□ 1645

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

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

Mr. JOHNSON of Louisiana. Mr. Chair, I demand a recorded vote.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 116-330 on which further proceedings were postponed, in the following order:

Amendments en bloc by Mr. CASE of Hawaii.

Amendment No. 4 by Mr. BROWN of Maryland.

Amendment No. 12 by Mr. CRIST of Florida.

Amendment No. 14 by Mr. PANETTA of California.

Amendment No. 23 by Ms. MUCARSEL-POWELL of Florida.

Amendment No. 26 by Mrs. LURIA of Virginia.

Amendment No. 29 by Mr. JOHNSON of Louisiana.

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

# AMENDMENTS EN BLOC OFFERED BY MR. CASE OF HAWAII

The Acting CHAIR. The unfinished business is the demand for a recorded vote on amendments en bloc offered by the gentleman from Hawaii (Mr. CASE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 166, not voting 21, as follows:

[Roll No. 660]

## AYES—249

Adams	Escobar	Levin (CA)
Aguilar	Eshoo	Levin (MI)
Allred	Espallat	Lewis
Axne	Evans	Lipinski
Barragán	Finkenauer	Loeb sack
Bass	Fitzpatrick	Lofgren
Beatty	Fletcher	Lowenthal
Bera	Fortenberry	Lowe y
Beyer	Foster	Luján
Bishop (GA)	Frankel	Luria
Blumenauer	Fudge	Lynch
Blunt Rochester	Gallego	Malinowski
Bonamici	Garamendi	Maloney,
Boyle, Brendan	Garcia (IL)	Carolyn B.
F.	Garcia (TX)	Maloney, Sean
Brindisi	Golden	Mast
Brown (MD)	Gomez	Matsui
Brownley (CA)	Gonzalez (TX)	McBath
Buchanan	Gonzalez-Colón	McCollum
Bustos	(PR)	McEachin
Butterfield	Gottheimer	McGovern
Carbajal	Graves (LA)	McNerney
Cárdenas	Green, Al (TX)	Meeks
Carson (IN)	Grijalva	Meng
Cartwright	Haaland	Mitchell
Case	Harder (CA)	Moolenaar
Casten (IL)	Hastings	Morelle
Castor (FL)	Moulton	Mucarsel-Powell
Castro (TX)	Heck	Murphy (FL)
Chu, Judy	Herrera Beutler	Nadler
Cicilline	Higgins (NY)	Napolitano
Cisneros	Himes	Neal
Clark (MA)	Horn, Kendra S.	Neguse
Clay	Horsford	Norcross
Cleaver	Houlihan	Norton
Clyburn	Hoyer	O'Halleran
Cohen	Huffman	Ocasio-Cortez
Connolly	Huizenga	Omar
Cooper	Hurd (TX)	Pallone
Correa	Jackson Lee	Panetta
Costa	Jayapal	Pappas
Courtney	Jeffries	Pascarell
Cox (CA)	Johnson (GA)	Payne
Craig	Johnson (TX)	Perlmutter
Crist	Joyce (OH)	Peters
Crow	Kaptur	Peterson
Cuellar	Katko	Phillips
Cunningham	Keating	Pingree
Davids (KS)	Kelly (IL)	Plaskett
Davis (CA)	Kennedy	Pocan
Davis, Danny K.	Khanna	Porter
Dean	Kildee	Pressley
DeFazio	Kilmer	Price (NC)
DeGette	Kim	Quigley
DeLauro	Kind	Raskin
DelBene	King (NY)	Reed
Delgado	Kirkpatrick	Rice (NY)
Demings	Krishnamoorthi	Richmond
DeSaulnier	Kuster (NH)	Rose (NY)
Deutch	Lamb	Rouda
Diaz-Balart	Langevin	Roybal-Allard
Dingell	Larsen (WA)	Ruiz
Doggett	Larson (CT)	Ruppersberger
Doyle, Michael	Lawson (FL)	Rush
F.	Lee (CA)	Ryan
Engel	Lee (NV)	

Sablan	Soto
Sánchez	Spanberger
Sarbanes	Speier
Scanlon	Stanton
Schakowsky	Stauber
Schiff	Stefanik
Schneider	Stevens
Schrader	Suozi
Schrier	Swalwell (CA)
Scott (VA)	Takano
Scott, David	Thompson (CA)
Sewell (AL)	Thompson (MS)
Shalala	Titus
Sherman	Tlaib
Sherrill	Tonko
Sires	Torres (CA)
Slotkin	Torres Small
Smith (NJ)	(NM)
Smith (WA)	Trahan

## NOES—166

Abraham	Gianforte
Allen	Gibbs
Amash	Gohmert
Amodei	Gonzalez (OH)
Armstrong	Gosar
Arrington	Granger
Babin	Graves (GA)
Bacon	Graves (MO)
Baird	Green (TN)
Balderson	Griffith
Banks	Grothman
Barr	Guest
Bergman	Guthrie
Biggs	Hagedorn
Bilirakis	Harris
Bishop (NC)	Hartzer
Bishop (UT)	Hern, Kevin
Bost	Hice (GA)
Brady	Higgins (LA)
Brooks (AL)	Hill (AR)
Brooks (IN)	Holding
Buck	Hollingsworth
Bucshon	Hudson
Budd	Johnson (LA)
Burchett	Johnson (OH)
Burgess	Johnson (SD)
Byrne	Jordan
Calvert	Kelly (MS)
Carter (GA)	King (IA)
Carter (TX)	Kinzinger
Chabot	Kustoff (TN)
Cheney	LaHood
Cline	LaMalfa
Cloud	Lamborn
Cole	Latta
Collins (GA)	Lesko
Comer	Long
Conaway	Loudermilk
Cook	Lucas
Crawford	Luetkemeyer
Crenshaw	Marchant
Curtis	Marshall
Davidson (OH)	Massie
Davis, Rodney	McAdams
DesJarlais	McCarthy
Duncan	McCaul
Dunn	McClintock
Emmer	McHenry
Estes	McKinley
Ferguson	Meadows
Fleischmann	Miller
Flores	Mooney (WV)
Foxx (NC)	Mullin
Fulcher	Murphy (NC)
Gaetz	Newhouse
Gallagher	Norman

## NOT VOTING—21

Aderholt	Lawrence
Clarke (NY)	Lieu, Ted
Gabbard	Meuser
Gibson	Moore
Kennedy	Perry
Hunter	Radewagen
Joyce (PA)	Rooney (FL)
Keller	Rouzer
Kelly (PA)	

□ 1713

Messrs. WALBERG and GROTHMAN changed their vote from “aye” to “no.”

So the en bloc amendments were agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. CLARKE of New York. Mr. Chair, I was delayed in arriving to votes due to a personal matter. Had I been present, I would have voted “yea” on rollcall No. 657 and “yea” on rollcall No. 660.

## AMENDMENT NO. 4 OFFERED BY MR. BROWN OF MARYLAND

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 235, noes 179, not voting 22, as follows:

[Roll No. 661]

## AYES—235

Adams	Doyle, Michael	Larsen (WA)
Aguilar	F.	Larson (CT)
Allred	Engel	Lawrence
Axne	Escobar	Lee (CA)
Barragán	Eshoo	Lee (NV)
Bass	Espallat	Levin (CA)
Beatty	Evans	Levin (MI)
Bera	Finkenauer	Lewis
Beyer	Fitzpatrick	Lipinski
Bishop (GA)	Fletcher	Loeb sack
Blumenauer	Foster	Lofgren
Blunt Rochester	Frankel	Lowenthal
Bonamici	Fudge	Lowe y
Boyle, Brendan	Gallego	Luján
F.	Garamendi	Luria
Brindisi	Garcia (IL)	Lynch
Brown (MD)	Garcia (TX)	Malinowski
Brownley (CA)	Golden	Maloney,
Bustos	Gomez	Carolyn B.
Butterfield	Gonzalez (TX)	Maloney, Sean
Carbajal	Gonzalez-Colón	Matsui
Cárdenas	(PR)	McBath
Carson (IN)	Gottheimer	McCollum
Cartwright	Graves (LA)	McEachin
Case	Green, Al (TX)	McGovern
Casten (IL)	Grijalva	McNerney
Castor (FL)	Haaland	Meeks
Castro (TX)	Harder (CA)	Meng
Chu, Judy	Harris	Moore
Cicilline	Hastings	Morelle
Cisneros	Hayes	Moulton
Clark (MA)	Heck	Mucarsel-Powell
Clay	Higgins (NY)	Mullin
Cleaver	Himes	Murphy (FL)
Clyburn	Horn, Kendra S.	Nadler
Cohen	Horsford	Napolitano
Connolly	Houlihan	Neal
Cooper	Hoyer	Neguse
Correa	Huffman	Norcross
Costa	Jackson Lee	Norton
Courtney	Jayapal	O'Halleran
Craig	Jeffries	Ocasio-Cortez
Crist	Johnson (TX)	Omar
Crow	Kaptur	Pallone
Cuellar	Katko	Panetta
Cunningham	Keating	Pappas
Davids (KS)	Kelly (IL)	Pascarell
Davis (CA)	Kennedy	Payne
Davis, Danny K.	Khanna	Perlmutter
Dean	Kildee	Peters
DeFazio	Kilmer	Phillips
DeGette	Kim	Pingree
DeLauro	Kind	Plaskett
DelBene	King (IA)	Pocan
Delgado	King (NY)	Pressley
Demings	Kirkpatrick	Price (NC)
DeSaulnier	Krishnamoorthi	Quigley
Deutch	Kuster (NH)	Raskin
Dingell	Lamb	Rice (NY)
Doggett	Langevin	Richmond

Rose (NY)	Slotkin	Trone
Roybal-Allard	Smith (NJ)	Underwood
Ruiz	Smith (WA)	Upton
Ruppersberger	Soto	Van Drew
Ryan	Spanberger	Vargas
Sablan	Speier	Veasey
Sánchez	Stanton	Vela
Sarbanes	Stefanik	Velázquez
Scanlon	Stevens	Visclosky
Schakowsky	Suozzi	Waltz
Schiff	Swalwell (CA)	Waters
Schneider	Takano	Watson Coleman
Schrader	Thompson (CA)	Welch
Schrier	Thompson (MS)	Wexton
Scott (VA)	Titus	Wild
Scott, David	Tlaib	Wilson (FL)
Sewell (AL)	Tonko	Wittman
Shalala	Torres (CA)	Yarmuth
Sherman	Torres Small	
Sherrill	(NM)	
Sires	Trahan	

## NOES—179

Abraham	Gianforte	Nunes
Allen	Gibbs	Olson
Amash	Gohmert	Palazzo
Amodei	Gonzalez (OH)	Palmer
Armstrong	Gosar	Pence
Arrington	Granger	Peterson
Babin	Graves (GA)	Porter
Bacon	Graves (MO)	Posey
Baird	Green (TN)	Ratcliffe
Balderson	Griffith	Reed
Banks	Grothman	Reschenthaler
Barr	Guest	Rice (SC)
Bergman	Guthrie	Riggleman
Biggs	Hagedorn	Roby
Bilirakis	Hartzler	Rodgers (WA)
Bishop (NC)	Hern, Kevin	Roe, David P.
Bishop (UT)	Herrera Beutler	Rogers (AL)
Bost	Hice (GA)	Rogers (KY)
Brady	Higgins (LA)	Rose, John W.
Brooks (AL)	Hill (AR)	Rouzer
Brooks (IN)	Holding	Roy
Buchanan	Hollingsworth	Rutherford
Buck	Hudson	Scalise
Bucshon	Huizenga	Schweikert
Budd	Hurd (TX)	Scott, Austin
Burchett	Johnson (LA)	Sensenbrenner
Burgess	Johnson (OH)	Shimkus
Byrne	Johnson (SD)	Simpson
Calvert	Jordan	Smith (MO)
Carter (GA)	Joyce (OH)	Smith (NE)
Carter (TX)	Kelly (MS)	Spano
Chabot	Kinzinger	Stauber
Cheney	Kustoff (TN)	Steil
Cline	LaHood	Steube
Cloud	LaMalfa	Stewart
Cole	Lamborn	Stivers
Collins (GA)	Latta	Taylor
Comer	Lesko	Thornberry
Conaway	Long	Timmons
Cook	Loudermilk	Tipton
Cox (CA)	Lucas	Turner
Crawford	Luetkemeyer	Wagner
Crenshaw	Marchant	Walberg
Curtis	Marshall	Walden
Davidson (OH)	Masse	Walker
Davis, Rodney	Mast	Walorski
DesJarlais	McAdams	Watkins
Diaz-Balart	McCarthy	Weber (TX)
Duncan	McCaul	Webster (FL)
Dunn	McClintock	Wenstrup
Emmer	McHenry	Westerman
Estes	McKinley	Williams
Ferguson	Meadows	Wilson (SC)
Fleischmann	Miller	Womack
Flores	Mitchell	Woodall
Fortenberry	Moolenaar	Wright
Foxx (NC)	Mooney (WV)	Yoho
Fulcher	Murphy (NC)	Young
Gaetz	Newhouse	Norman
Gallagher	Norman	

## NOT VOTING—22

Aderholt	Kelly (PA)	Rush
Clarke (NY)	Lawson (FL)	San Nicolas
Gabbard	Lieu, Ted	Serrano
Gooden	Meuser	Smucker
Hunter	Perry	Thompson (PA)
Johnson (GA)	Radewagen	Wasserman
Joyce (PA)	Rooney (FL)	Schultz
Keller	Rouda	

## ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1718

So the amendment was agreed to.  
The result of the vote was announced as above recorded.  
Stated for:

Mr. RUSH. Mr. Chair, I was unavoidably detained for rollcall No. 661. Had I been present, I would have voted “yea” on rollcall No. 661.

## AMENDMENT NO. 12 OFFERED BY MR. CRIST

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 297, noes 121, not voting 18, as follows:

[Roll No. 662]

## AYES—297

Adams	Cunningham	Himes
Aguiar	Davids (KS)	Hollingsworth
Alfred	Davis (CA)	Horn, Kendra S.
Amodei	Davis, Danny K.	Horsford
Axne	Davis, Rodney	Houlahan
Bacon	Dean	Hoyer
Baird	DeFazio	Huffman
Balderson	DeGette	Huizenga
Barragan	DeLauro	Hurd (TX)
Bass	DeBene	Jackson Lee
Beatty	Delgado	Jayapal
Bera	Demings	Jeffries
Bergman	DeSaulnier	Johnson (GA)
Beyer	Deutch	Johnson (OH)
Bilirakis	Diaz-Balart	Johnson (TX)
Bishop (GA)	Dingell	Joyce (OH)
Blumenauer	Doggett	Kaptur
Blunt Rochester	Doyle, Michael	Katko
Bonamici	F.	Keating
Boyle, Brendan	Dunn	Kelly (IL)
F.	Engel	Kennedy
Brindisi	Escobar	Khanna
Brooks (IN)	Eshoo	Kildee
Brown (MD)	Espallat	Kilmer
Brownley (CA)	Evans	Kim
Buchanan	Finkenauer	Kind
Bustos	Fitzpatrick	King (NY)
Butterfield	Fletcher	Kirkpatrick
Calvert	Fortenberry	Krishnamoorthi
Carbajal	Poster	Kuster (NH)
Cárdenas	Frankel	LaHood
Carson (IN)	Fudge	Lamb
Cartwright	Gaetz	Langevin
Case	Gallagher	Larsen (WA)
Casten (IL)	Gallego	Larson (CT)
Castor (FL)	Garamendi	Latta
Castro (TX)	Garcia (IL)	Lawrence
Chu, Judy	Garcia (TX)	Lawson (FL)
Cicilline	Golden	Lee (CA)
Cisneros	Gomez	Lee (NV)
Clark (MA)	Gonzalez (OH)	Levin (CA)
Clarke (NY)	Gonzalez (TX)	Levin (MI)
Clay	González-Colón	Lewis
Cleaver	(PR)	Lipinski
Clyburn	Gottheimer	Loeb
Cohen	Graves (LA)	Loeb
Cole	Green, Al (TX)	Lowenthal
Connolly	Grijalva	Lowey
Cook	Haaland	Lucas
Cooper	Harder (CA)	Luján
Correa	Harris	Luria
Costa	Hastings	Lynch
Courtney	Hayes	Malinowski
Cox (CA)	Heck	Maloney
Craig	Hern, Kevin	Carolyn B.
Crist	Herrera Beutler	Maloney, Sean
Crow	Higgins (LA)	Mast
Cuellar	Higgins (NY)	Matsui

McAdams	Price (NC)	Stauber
McBath	Quigley	Stefanik
McCaul	Raskin	Steil
McCollum	Reed	Steube
McEachin	Rice (NY)	Stevens
McGovern	Richmond	Stivers
McNerney	Riggleman	Suozzi
Meeks	Roby	Swalwell (CA)
Meng	Rogers (AL)	Takano
Mitchell	Rogers (KY)	Takano
Moolenaar	Rose (NY)	Thompson (CA)
Moore	Rouda	Thompson (MS)
Morelle	Roybal-Allard	Titus
Moulton	Ruiz	Tlaib
Mucarsel-Powell	Ruppersberger	Tonko
Mullin	Rush	Torres (CA)
Murphy (FL)	Rutherford	Torres Small
Nadler	Ryan	(NM)
Napolitano	Sablan	Trahan
Neal	Sánchez	Trone
Neguse	Sarbanes	Turner
Newhouse	Scanlon	Underwood
Norcross	Schakowsky	Upton
Norton	Schiff	Van Drew
O'Halleran	Schneider	Vargas
Ocasio-Cortez	Schrader	Veasey
Omar	Schrier	Vela
Pallone	Schweikert	Velázquez
Palmer	Scott (VA)	Visclosky
Panetta	Scott, David	Wagner
Pappas	Sewell (AL)	Walberg
Pascarella	Shalala	Walden
Payne	Sherman	Walorski
Perlmutter	Sherrill	Waltz
Peters	Sires	Waters
Peterson	Slotkin	Watson Coleman
Phillips	Smith (NJ)	Webster (FL)
Pingree	Smith (WA)	Welch
Plaskett	Soto	Wexton
Pocan	Spanberger	Wild
Porter	Spano	Wilson (FL)
Posey	Speier	Yarmuth
Pressley	Stanton	Zeldin

## NOES—121

Abraham	Fulcher	Mooney (WV)
Allen	Gianforte	Murphy (NC)
Amash	Gibbs	Norman
Armstrong	Gohmert	Nunes
Arrington	Gosar	Olson
Babin	Granger	Palazzo
Banks	Graves (GA)	Pence
Barr	Graves (MO)	Ratcliffe
Biggs	Green (TN)	Reschenthaler
Bishop (NC)	Griffith	Rice (SC)
Bishop (UT)	Grothman	Roe, David P.
Bost	Guest	Rose, John W.
Brady	Guthrie	Rouzer
Brooks (AL)	Hagedorn	Roy
Buck	Hartzler	Scalise
Bucshon	Hice (GA)	Scott, Austin
Budd	Hill (AR)	Sensenbrenner
Burchett	Holding	Shimkus
Burgess	Hudson	Simpson
Byrne	Johnson (LA)	Smith (MO)
Carter (GA)	Johnson (SD)	Smith (NE)
Carter (TX)	Jordan	Stewart
Chabot	Kelly (MS)	Taylor
Cheney	King (IA)	Thornberry
Cline	Kinzinger	Timmons
Cloud	Kustoff (TN)	Tipton
Collins (GA)	LaMalfa	Walker
Comer	Lamborn	Watkins
Conaway	Lesko	Weber (TX)
Crawford	Long	Wenstrup
Crenshaw	Loudermilk	Westerman
Curtis	Luetkemeyer	Williams
Davidson (OH)	Marchant	Wilson (SC)
DesJarlais	Marshall	Wittman
Duncan	Masse	Womack
Emmer	McCarthy	Woodall
Estes	McClintock	Wright
Ferguson	McHenry	Yoho
Fleischmann	McKinley	Young
Flores	Meadows	
Foxx (NC)	Miller	

## NOT VOTING—18

Aderholt	Lieu, Ted	Serrano
Gabbard	Meuser	Smucker
Gooden	Perry	Thompson (PA)
Hunter	Radewagen	Wasserman
Joyce (PA)	Rodgers (WA)	Schultz
Keller	Rooney (FL)	
Kelly (PA)	San Nicolas	

## ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1722

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. PALMER. Mr. Chair, for the record, on the Crist amendment No. 12, rollcall No. 662 I intended to vote “nay.” I mistakenly voted “yea.”

AMENDMENT NO. 14 OFFERED BY MR. PANETTA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 389, noes 29, not voting 18, as follows:

[Roll No. 663]

AYES—389

Adams	Clay	Fletcher
Aguilar	Cleaver	Fortenberry
Allred	Cloud	Foster
Amodel	Clyburn	Fox (NC)
Armstrong	Cohen	Frankel
Arrington	Cole	Fudge
Axne	Collins (GA)	Fulcher
Bacon	Comer	Gallagher
Baird	Conaway	Gallego
Balderson	Connolly	Garamendi
Banks	Cook	Garcia (IL)
Barr	Cooper	Garcia (TX)
Barragán	Correa	Gianforte
Bass	Costa	Gibbs
Beatty	Courtney	Golden
Bera	Cox (CA)	Gomez
Bergman	Craig	Gonzalez (OH)
Beyer	Crawford	Gonzalez (TX)
Bilirakis	Crenshaw	González-Colón
Bishop (GA)	Crist	(PR)
Bishop (UT)	Crow	Gottheimer
Blumenauer	Cuellar	Granger
Blunt Rochester	Cunningham	Graves (LA)
Bonamici	Curtis	Graves (MO)
Bost	Davis (KS)	Green (TN)
Boyle, Brendan	Davidson (OH)	Green, Al (TX)
F.	Davis (CA)	Grijalva
Brindisi	Davis, Danny K.	Grothman
Brooks (AL)	Davis, Rodney	Guest
Brooks (IN)	Dean	Guthrie
Brown (MD)	DeFazio	Haaland
Brownley (CA)	DeGette	Hagedorn
Buchanan	DeLauro	Harder (CA)
Bucshon	DelBene	Hartzler
Budd	Delgado	Hastings
Burchett	Demings	Hayes
Bustos	DeSaulnier	Heck
Butterfield	DesJarlais	Hern, Kevin
Byrne	Deutch	Herrera Beutler
Calvert	Diaz-Balart	Higgins (LA)
Carbajal	Dingell	Higgins (NY)
Cárdenas	Doggett	Hill (AR)
Carson (IN)	Doyle, Michael	Himes
Carter (GA)	F.	Holding
Cartwright	Dunn	Hollingsworth
Case	Emmer	Horn, Kendra S.
Casten (IL)	Engel	Horsford
Castor (FL)	Escobar	Houlahan
Castro (TX)	Eshoo	Hoyer
Chabot	Españat	Hudson
Cheney	Estes	Huffman
Chu, Judy	Evans	Huizenga
Cicilline	Ferguson	Hurd (TX)
Cisneros	Finkenauer	Jackson Lee
Clark (MA)	Fitzpatrick	Jayapal
Clarke (NY)	Fleischmann	Jeffries

Johnson (GA)	Moore	Sensenbrenner
Johnson (LA)	Morelle	Sewell (AL)
Johnson (OH)	Moulton	Sherman
Johnson (SD)	Mucarsel-Powell	Sherrill
Johnson (TX)	Mullin	Shimkus
Jordan	Murphy (FL)	Simpson
Joyce (OH)	Murphy (NC)	Sires
Kaptur	Nadler	Slotkin
Katko	Napolitano	Smith (NE)
Keating	Neal	Smith (NJ)
Kelly (IL)	Neguse	Smith (WA)
Kelly (MS)	Newhouse	Soto
Kennedy	Norcross	Spanberger
Khanna	Norton	Spano
Kildee	Nunes	Speier
Kilmer	O'Halleran	Stanton
Kim	Ocasio-Cortez	Staubert
Kind	Olson	Stefanik
King (NY)	Omar	Steil
Kinziger	Palazzo	Steube
Kirkpatrick	Pallone	Stevens
Krishnamoorthi	Palmer	Stewart
Kuster (NH)	Panetta	Stivers
Kustoff (TN)	Pappas	Suozzi
LaHood	Pascarell	Swalwell (CA)
LaMalfa	Payne	Takano
Lamb	Pence	Taylor
Lamborn	Perlmutter	Thompson (CA)
Langevin	Peters	Thompson (MS)
Larsen (WA)	Peterson	Thornberry
Larson (CT)	Phillips	Timmons
Latta	Pingree	Tipton
Lawrence	Plaskett	Titus
Lawson (FL)	Pocan	Tlaib
Lee (CA)	Porter	Tonko
Lee (NV)	Posey	Torres (CA)
Lesko	Pressley	Torres Small
Levin (CA)	Price (NC)	(NM)
Levin (MI)	Quigley	Trahan
Lewis	Raskin	Trone
Lipinski	Ratcliffe	Turner
Loeb sack	Reed	Underwood
Lofgren	Reschenthaler	Upton
Lowenthal	Rice (NY)	Van Drew
Lowe	Rice (SC)	Vargas
Lucas	Richmond	Veasey
Luetkemeyer	Riggleman	Vela
Lujan	Roby	Velázquez
Luria	Rodgers (WA)	Visclosky
Lynch	Roe, David P.	Wagner
Malinowski	Rogers (AL)	Walberg
Maloney,	Rogers (KY)	Walden
Carolyn B.	Rose (NY)	Walker
Maloney, Sean	Rose, John W.	Walorski
Marchant	Rouda	Waltz
Marshall	Rouzer	Waters
Mast	Roybal-Allard	Watkins
Matsui	Ruiz	Watson Coleman
McAdams	Ruppersberger	Webster (FL)
McBath	Rush	Welch
McCarthy	Rutherford	Wenstrup
McCaul	Ryan	Westerman
McClintock	Sablan	Wexton
McCollum	Sánchez	Wild
McEachin	Sarbanes	Williams
McGovern	Scalise	Wilson (FL)
McHenry	Scanlon	Wilson (SC)
McKinley	Schakowsky	Wittman
McNerney	Schiff	Womack
Meadows	Schneider	Woodall
Meeks	Schrader	Yarmuth
Meng	Schrier	Yoho
Miller	Schweikert	Young
Mitchell	Scott (VA)	Zeldin
Moolenaar	Scott, Austin	
Mooney (WV)	Scott, David	

NOES—29

Abraham	Cline	King (IA)
Allen	Duncan	Long
Amash	Flores	Loudermilk
Babin	Gaetz	Massie
Biggs	Gohmert	Norman
Bishop (NC)	Gosar	Roy
Brady	Graves (GA)	Smith (MO)
Buck	Griffith	Weber (TX)
Burgess	Harris	Wright
Carter (TX)	Hice (GA)	

NOT VOTING—18

Lieu, Ted	Shalala
Meuser	Smucker
Perry	Thompson (PA)
Radewagen	Wasserman
Rooney (FL)	Schultz
San Nicolas	
Serrano	

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1727

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MS. MUCARSEL-POWELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. MUCARSEL-POWELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 285, noes 134, not voting 17, as follows:

[Roll No. 664]

AYES—285

Adams	Davis, Rodney	Huizenga
Aguilar	Dean	Hurd (TX)
Allred	DeFazio	Jackson Lee
Axne	DeGette	Jayapal
Bacon	DeLauro	Jeffries
Barragán	DelBene	Johnson (GA)
Bass	Delgado	Johnson (SD)
Beatty	Demings	Johnson (TX)
Bera	DeSaulnier	Joyce (OH)
Bergman	Deutch	Kaptur
Beyer	Diaz-Balart	Katko
Bilirakis	Dingell	Keating
Bishop (GA)	Doggett	Kelly (IL)
Blumenauer	Doyle, Michael	Kennedy
Blunt Rochester	F.	Khanna
Bonamici	Dunn	Kildee
Boyle, Brendan	Engel	Kilmer
F.	Escobar	Kim
Brindisi	Eshoo	Kind
Brooks (IN)	Españat	King (NY)
Brown (MD)	Evans	Kinzinger
Brownley (CA)	Finkenauer	Kirkpatrick
Buchanan	Fitzpatrick	Krishnamoorthi
Bustos	Fletcher	Kuster (NH)
Butterfield	Fortenberry	Lamb
Carbajal	Foster	Langevin
Cárdenas	Frankel	Larsen (WA)
Carson (IN)	Fudge	Larson (CT)
Cartwright	Gaetz	Lawrence
Case	Gallego	Lawson (FL)
Casten (IL)	Garamendi	Lee (CA)
Castor (FL)	Garcia (IL)	Lee (NV)
Castro (TX)	Garcia (TX)	Levin (CA)
Chabot	Golden	Levin (MI)
Chu, Judy	Gomez	Lewis
Cicilline	Gonzalez (TX)	Lipinski
Cisneros	González-Colón	Loeb sack
Clark (MA)	(PR)	Lofgren
Clarke (NY)	Gottheimer	Lowenthal
Clay	Granger	Lowe
Cleaver	Green, Al (TX)	Lucas
Clyburn	Grijalva	Lujan
Cohen	Haaland	Luria
Cole	Harder (CA)	Lynch
Connolly	Hastings	Malinowski
Cooper	Hayes	Maloney,
Correa	Heck	Carolyn B.
Costa	Herrera Beutler	Maloney, Sean
Courtney	Higgins (NY)	Mast
Craig	Himes	Matsui
Crist	Holding	McBath
Crow	Hollingsworth	McCaul
Cuellar	Horn, Kendra S.	McCollum
Cunningham	Horsford	McEachin
Davids (KS)	Houlahan	McGovern
Davis (CA)	Hoyer	McHenry
Davis, Danny K.	Huffman	McNerney



Meeks  
Meng  
Mitchell  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Mullin  
Murphy (FL)  
Murphy (NC)  
Nadler  
Napolitano  
Neal  
Neguse  
Newhouse  
Norcross  
Norton  
O'Halleran  
Ocasio-Cortez  
Omar  
Pallone  
Panetta  
Pappas  
Pascrell  
Payne  
Perlmutter  
Peters  
Phillips  
Pingree  
Plaskett  
Pocan  
Porter  
Posey  
Pressley  
Price (NC)  
Quigley  
Raskin  
Reed  
Rice (NY)  
Richmond

## NOES—134

Abraham  
Allen  
Amash  
Amodei  
Armstrong  
Arrington  
Babin  
Baird  
Balderson  
Banks  
Barr  
Biggs  
Bishop (NC)  
Bishop (UT)  
Bost  
Brady  
Brooks (AL)  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Cheney  
Cline  
Cloud  
Collins (GA)  
Comer  
Conaway  
Cook  
Cox (CA)  
Crawford  
Crenshaw  
Curtis  
Davidson (OH)  
DesJarlais  
Duncan  
Emmer  
Estes  
Ferguson  
Fleischmann  
Flores

## NOT VOTING—17

Aderholt  
Gabbard  
Gooden  
Hunter  
Joyce (PA)  
Keller

Kelly (PA)  
Lieu, Ted  
Meuser  
Perry  
Radewagen  
Rooney (FL)

Stefanik  
Steil  
Steube  
Stevens  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small (NM)  
Trahan  
Trone  
Turner  
Underwood  
Upton  
Van Drew  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Waltz  
Waters  
Watson Coleman  
Webster (FL)  
Welch  
Wexton  
Wild  
Wilson (FL)  
Wittman  
Yarmuth  
Yoho

Meadows  
Miller  
Moolenaar  
Mooney (WV)  
Norman  
Nunes  
Olson  
Palazzo  
Palmer  
Pence  
Peterson  
Ratcliffe  
Reschenthaler  
Grothman  
Guest  
Guthrie  
Hagedorn  
Rose, John W.  
Roy  
Scalise  
Scott, Austin  
Sensenbrenner  
Shimkus  
Smith (MO)  
Smith (NE)  
Stewart  
Stivers  
Taylor  
Thornberry  
Timmons  
Tipton  
Walden  
Walker  
Walorski  
Watkins  
Weber (TX)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Womack  
Woodall  
Wright  
Young  
Zeldin

□ 1730

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MRS. LURIA  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Virginia (Mrs. LURIA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 368, noes 51, not voting 17, as follows:

[Roll No. 665]

## AYES—368

Adams  
Aguilar  
Allred  
Amodei  
Armstrong  
Arrington  
Axne  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Barragán  
Bass  
Beatty  
Bera  
Bergman  
Beyer  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blumenauer  
Blunt Rochester  
Bonamici  
Bost  
Boyle, Brendan  
F.  
Brindisi  
Brooks (IN)  
Brown (MD)  
Doyle, Michael  
Brownley (CA)  
F.  
Buchanan  
Bucshon  
Budd  
Burgess  
Bustos  
Butterfield  
Byrne  
Calvert  
Carbajal  
Cárdenas  
Carson (IN)  
Carter (TX)  
Cartwright  
Case  
Casten (IL)  
Castor (FL)  
Castro (TX)  
Chabot  
Cheney  
Chu, Judy  
Cicilline  
Cisneros  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Conaway  
Connolly  
Cook

Cooper  
Correa  
Costa  
Courtney  
Cox (CA)  
Craig  
Crenshaw  
Guthrie  
Haaland  
Hagedorn  
Harder (CA)  
Hartzler  
Hastings  
Hayes  
Heck  
Hern, Kevin  
Herrera Beutler  
Higgins (NY)  
Hill (AR)  
Himes  
Holding  
Hollingsworth  
Horn, Kendra S.  
Horsford  
Houlahan  
Hoyer  
Huffman  
Huizenga  
Hurd (TX)  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Johnson (TX)  
Joyce (OH)  
Kaptur  
Katko  
Keating  
Kelly (IL)  
Kelly (MS)  
Kennedy  
Khanna  
Kildee  
Kilmer  
Kim  
Kind  
King (NY)  
Kinzinger  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Kustoff (TN)  
LaMalfa  
Lamb  
Lamborn  
Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lawrence  
Lawson (FL)

Lee (CA)  
Lee (NV)  
Lesko  
Levin (CA)  
Levin (MI)  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lucas  
Luetkemeyer  
Luján  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Maloney, Sean  
Marchant  
Marshall  
Mast  
Matsui  
McAdams  
McBath  
McCarthy  
McCaull  
McClintock  
McCollum  
McEachin  
McGovern  
McHenry  
McKinley  
McNerney  
Meeks  
Meng  
Miller  
Mitchell  
Moolenaar  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Crist  
Mullin  
Murphy (FL)  
Murphy (NC)  
Nadler  
Napolitano  
Neal  
Neguse  
Newhouse  
Norcross  
Norton  
Nunes  
O'Halleran  
Ocasio-Cortez  
Omar  
Palazzo  
Pallone  
Palmer  
Panetta

Pappas  
Pascrell  
Payne  
Pence  
Perlmutter  
Peters  
Peterson  
Phillips  
Pingree  
Plaskett  
Pocan  
Porter  
Posey  
Pressley  
Price (NC)  
Quigley  
Raskin  
Ratcliffe  
Reed  
Reschenthaler  
Rice (NY)  
Richmond  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (KY)  
Rose (NY)  
Rose, John W.  
Rouda  
Rouzer  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Rutherford  
Ryan  
Sablan  
Sánchez  
Sarbanes  
Scalise  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schrier  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sewell (AL)  
Shalala  
Sherman  
Sherrill  
Shimkus  
Simpson  
Sires  
Slotkin  
Smith (NE)  
Smith (NJ)

## NOES—51

Abraham  
Allen  
Amash  
Babin  
Biggs  
Bishop (NC)  
Brady  
Brooks (AL)  
Buck  
Burchett  
Carter (GA)  
Cline  
Cloud  
Collins (GA)  
Comer  
Crawford  
Davidson (OH)

## NOT VOTING—17

Duncan  
Estes  
Ferguson  
Flores  
Fulcher  
Gohmert  
Gosar  
Graves (GA)  
Griffith  
Grothman  
Harris  
Hice (GA)  
Higgins (LA)  
Hudson  
Jordan  
King (IA)  
LaHood

Smith (WA)  
Soto  
Spanberger  
Spano  
Speier  
Stanton  
Stauber  
Stefanik  
Steil  
Steube  
Stevens  
Stewart  
Stivers  
Suozi  
Swalwell (CA)  
Takano  
Taylor  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Timmons  
Tipton  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small (NM)  
Trahan  
Trone  
Turner  
Underwood  
Upton  
Van Drew  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Waltz  
Waters  
Watkins  
Watson Coleman  
Webster (FL)  
Welch  
Wenstrup  
Westerman  
Wexton  
Wild  
Williams  
Wilson (FL)  
Wittman  
Woodall  
Yarmuth  
Young  
Zeldin

## ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1734

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. JOHNSON  
OF LOUISIANA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 160, noes 259, not voting 17, as follows:

[Roll No. 666]

AYES—160

Abraham	González-Colón	Nunes
Allen	(PR)	Olson
Amodel	Gosar	Palazzo
Armstrong	Granger	Palmer
Arrington	Graves (LA)	Pence
Babin	Graves (MO)	Ratcliffe
Baird	Green (TN)	Reed
Balderson	Griffith	Reschenthaler
Banks	Grothman	Rice (SC)
Barr	Guest	Riggleman
Bergman	Guthrie	Roby
Biggs	Hagedorn	Rodgers (WA)
Bishop (NC)	Harris	Roe, David P.
Bishop (UT)	Hartzler	Rogers (AL)
Bost	Hern, Kevin	Rogers (KY)
Brady	Herrera Beutler	Rose, John W.
Brooks (AL)	Hice (GA)	Rouzer
Buck	Higgins (LA)	Roy
Bucshon	Hill (AR)	Scalise
Budd	Holding	Schweikert
Burchett	Hollingsworth	Scott, Austin
Burgess	Hudson	Sensenbrenner
Byrne	Huizenga	Shinkus
Calvert	Hurd (TX)	Simpson
Carter (TX)	Johnson (LA)	Smith (MO)
Chabot	Johnson (OH)	Smith (NE)
Cheney	Johnson (SD)	Spano
Cline	Jordan	Stauber
Cloud	Kelly (MS)	Steil
Cole	King (IA)	Steube
Collins (GA)	Kinzing	Stewart
Comer	Kustoff (TN)	Stivers
Conaway	LaHood	Taylor
Cook	LaMalfa	Thornberry
Crawford	Lamborn	Tipton
Crenshaw	Latta	Wagner
Curtis	Lesko	Walberg
Davidson (OH)	Long	Walden
Davis, Rodney	Loudermilk	Walker
DesJarlais	Lucas	Walorski
Duncan	Luetkemeyer	Watkins
Dunn	Marchant	Weber (TX)
Emmer	Massie	Webster (FL)
Estes	McCarthy	Wenstrup
Ferguson	McClintock	Westerman
Fleischmann	McHenry	Williams
Flores	McKinley	Wilson (SC)
Foxx (NC)	Meadows	Wittman
Gallagher	Miller	Womack
Gianforte	Mitchell	Woodall
Gibbs	Moolenaar	Wright
Gohmert	Mooney (WV)	Yoho
Gonzalez (OH)	Mullin	Young
	Newhouse	Zeldin

NOES—259

Adams	Bera	Brindisi
Aguilar	Beyer	Brooks (IN)
Allred	Bilirakis	Brown (MD)
Amash	Bishop (GA)	Brownley (CA)
Axne	Blumenauer	Buchanan
Bacon	Blunt Rochester	Bustos
Barragán	Bonamici	Butterfield
Bass	Boyle, Brendan	Carbajal
Beatty	F.	Cárdenas

Carson (IN)	Hoyer	Peters
Carter (GA)	Huffman	Peterson
Cartwright	Jackson Lee	Phillips
Case	Jayapal	Pingree
Casten (IL)	Jeffries	Plaskett
Castor (FL)	Johnson (GA)	Pocan
Castro (TX)	Johnson (TX)	Porter
Chu, Judy	Joyce (OH)	Posey
Cicilline	Kaptur	Pressley
Cisneros	Katko	Price (NC)
Clark (MA)	Keating	Quigley
Clarke (NY)	Kelly (IL)	Raskin
Clay	Kennedy	Rice (NY)
Cleaver	Khanma	Richmond
Clyburn	Kildee	Rose (NY)
Cohen	Kilmer	Rouda
Connolly	Kim	Roybal-Allard
Cooper	Kind	Ruiz
Correa	King (NY)	Ruppersberger
Costa	Kirkpatrick	Rush
Courtney	Krishnamoorthi	Rutherford
Cox (CA)	Kuster (NH)	Ryan
Craig	Lamb	Sablan
Crist	Langevin	Sánchez
Crow	Larsen (WA)	Sarbanes
Cuellar	Larson (CT)	Scanlon
Cunningham	Lawrence	Schakowsky
Davids (KS)	Lawson (FL)	Schiff
Davis (CA)	Lee (CA)	Schneider
Davis, Danny K.	Lee (NV)	Schrader
Dean	Levin (CA)	Schrier
DeFazio	Levin (MI)	Scott (VA)
DeGette	Lewis	Scott, David
DeLauro	Lipinski	Sewell (AL)
DelBene	Loeb sack	Shalala
Delgado	Lofgren	Sherman
Demings	Lowenthal	Sherrill
DeSaulnier	Lowe y	Sires
Deutch	Luján	Slotkin
Diaz-Balart	Luria	Smith (NJ)
Dingell	Lynch	Smith (WA)
Doggett	Malinowski	Soto
Doyle, Michael	Maloney,	Spanberger
F.	Carolyn B.	Speier
Engel	Maloney, Sean	Stanton
Escobar	Marshall	Stefanik
Eshoo	Mast	Stevens
Españillat	Matsui	Suo zzi
Evans	McAdams	Swalwell (CA)
Finkenauer	McBath	Takano
Fitzpatrick	McCa ul	Thompson (CA)
Fletcher	McCollum	Thompson (MS)
Fortenberry	McEachin	Timmons
Foster	McGovern	Titus
Frankel	McNerney	Tlaib
Fudge	Meeks	Tonko
Fulcher	Meng	Torres (CA)
Gaetz	Moore	Torres Small
Gallego	Morelle	(NM)
Garamendi	Moulton	Trahan
García (IL)	Mucarsel-Powell	Trone
García (TX)	Murphy (FL)	Turner
Golden	Murphy (NC)	Underwood
Gomez	Nadler	Upton
Gonzalez (TX)	Napolitano	Van Drew
Gottheimer	Neal	Vargas
Graves (GA)	Neguse	Veasey
Green, Al (TX)	Norcross	Vela
Grijalva	Norman	Velázquez
Haaland	Norton	Visclosky
Harder (CA)	O'Halleran	Waltz
Hastings	Ocasio-Cortez	Walters
Hayes	Omar	Watson Coleman
Heck	Pallone	Welch
Higgins (NY)	Panetta	Wexton
Himes	Pappas	Wild
Horn, Kendra S.	Pascrell	Wilson (FL)
Horsford	Payne	Yarmuth
Houlahan	Perlmutter	

#### NOT VOTING—17

Aderholt	Kelly (PA)	San Nicolas
Gabbard	Lieu, Ted	Serrano
Gooden	Meuser	Smucker
Hunter	Perry	Thompson (PA)
Joyce (PA)	Radewagen	Wasserman
Keller	Rooney (FL)	Schultz

#### ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1737

So the amendment was rejected.  
The result of the vote was announced as above recorded.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HECK) having assumed the chair, Mr. PAYNE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 729) to amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives, and for other purposes, and, pursuant to House Resolution 748, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

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

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BISHOP of Utah. 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 262, nays 151, not voting 17, as follows:

[Roll No. 667]

YEAS—262

Adams	Cisneros	Doggett
Aguilar	Clark (MA)	Doyle, Michael
Allred	Clarke (NY)	F.
Axne	Clay	Engel
Barragán	Cleaver	Escobar
Bass	Clyburn	Eshoo
Beatty	Cohen	Españillat
Bera	Cole	Evans
Bergman	Connolly	Finkenauer
Beyer	Cooper	Fitzpatrick
Bishop (GA)	Correa	Fletcher
Blumenauer	Costa	Fortenberry
Blunt Rochester	Courtney	Foster
Bonamici	Cox (CA)	Frankel
Boyle, Brendan	Craig	Fudge
F.	Crist	Gaetz
Brindisi	Crow	Gallego
Brooks (IN)	Cuellar	Garamendi
Brown (MD)	Cunningham	García (IL)
Brownley (CA)	Davids (KS)	García (TX)
Buchanan	Davis (CA)	Golden
Bustos	Davis, Danny K.	Gomez
Butterfield	Dean	Gonzalez (OH)
Carbajal	DeFazio	Gonzalez (TX)
Cárdenas	DeGette	Gottheimer
Carson (IN)	DeLauro	Green, Al (TX)
Cartwright	DelBene	Grijalva
Case	Delgado	Haaland
Casten (IL)	Demings	Harder (CA)
Castor (FL)	DeSaulnier	Harris
Castro (TX)	Deutch	Hastings
Chu, Judy	Diaz-Balart	Hayes
Cicilline	Dingell	Heck

Herrera Beutler  
Higgins (NY)  
Himes  
Horn, Kendra S.  
Horsford  
Houlahan  
Hoyer  
Huffman  
Huizenga  
Hurd (TX)  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson (TX)  
Joyce (OH)  
Kaptur  
Katko  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kildee  
Kilmer  
Kim  
Kind  
King (NY)  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Lamb  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Levin (CA)  
Levin (MI)  
Lewis  
Lipinski  
Loebsock  
Loftgren  
Lowenthal  
Lowe  
Lujan  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Maloney, Sean  
Mast  
Matsui  
McAdams

McBath  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Mitchell  
Moolenaar  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Neguse  
Norcross  
O'Halleran  
Ocasio-Cortez  
Omar  
Pallone  
Panetta  
Pappas  
Pascrell  
Payne  
Perlmutter  
Peters  
Peterson  
Phillips  
Pingree  
Pocan  
Porter  
Pressley  
Price (NC)  
Quigley  
Raskin  
Reed  
Rice (NY)  
Richmond  
Rose (NY)  
Rouda  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Rutherford  
Ryan  
Sanchez  
Sarbanes  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schrader

Schrier  
Scott (VA)  
Scott, David  
Sewell (AL)  
Shalala  
Sherman  
Sherrill  
Sires  
Slotkin  
Smith (NJ)  
Smith (WA)  
Soto  
Spanberger  
Speier  
Stanton  
Stauber  
Stefanik  
Steube  
Stevens  
Stivers  
Suozi  
Swaikwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small  
(NM)  
Trahan  
Trone  
Turner  
Underwood  
Upton  
Van Drew  
Vargas  
Veasey  
Vela  
Velazquez  
Visclosky  
Walberg  
Walorski  
Waltz  
Waters  
Watson Coleman  
Welch  
Wexton  
Wild  
Wilson (FL)  
Wittman  
Yarmuth  
Young  
Zeldin

## NAYS—151

Abraham  
Amash  
Amodei  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Biggs  
Bilirakis  
Bishop (NC)  
Bishop (UT)  
Bost  
Brady  
Brooks (AL)  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Cline  
Cloud  
Collins (GA)  
Comer  
Conaway  
Cook  
Crawford  
Crenshaw  
Curtis  
Davidson (OH)  
Davis, Rodney  
DesJarlais

Duncan  
Dunn  
Emmer  
Estes  
Ferguson  
Fleischmann  
Flores  
Foa (NC)  
Fulcher  
Gallagher  
Gianforte  
Gibbs  
Gohmert  
Gosar  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green (TN)  
Griffith  
Grothman  
Guest  
Guthrie  
Hagedorn  
Hartzler  
Hern, Kevin  
Hice (GA)  
Higgins (LA)  
Hill (AR)  
Holding  
Hollingsworth  
Hudson  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Jordan  
Kelly (MS)  
King (IA)  
Kinzinger  
Kustoff (TN)  
LaHood

LaMalfa  
Lamborn  
Latta  
Lesko  
Long  
Loudermilk  
Lucas  
Luetkemeyer  
Marchant  
Marshall  
Massie  
McCarthy  
McCaull  
McClintock  
McHenry  
McKinley  
Meadows  
Miller  
Mooney (WV)  
Mullin  
Murphy (NC)  
Newhouse  
Norman  
Nunes  
Olson  
Palazzo  
Palmer  
Pence  
Posey  
Ratcliffe  
Reschenthaler  
Rice (SC)  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rogers (KY)  
Rose, John W.  
Rouzer  
Scalise

Schweikert  
Scott, Austin  
Sensenbrenner  
Shimkus  
Simpson  
Smith (MO)  
Smith (NE)  
Spano  
Stell  
Stewart

Aderholt  
Allen  
Gabbard  
Gooden  
Hunter  
Joyce (PA)

Taylor  
Thornberry  
Timmons  
Tipton  
Wagner  
Walden  
Walker  
Watkins  
Weber (TX)  
Webster (FL)

## NOT VOTING—17

Keller  
Kelly (PA)  
Lieu, Ted  
Meuser  
Perry  
Rooney (FL)

Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Womack  
Woodall  
Wright  
Yoho

Roy  
Serrano  
Smucker  
Thompson (PA)  
Wasserman  
Schultz

□ 1747

So the bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. HARRIS. Mr. Speaker, I object to the motion to lay on the table.

The SPEAKER pro tempore. Objection is heard.

## MOTION TO RECONSIDER

Mr. HIMES. Mr. Speaker, I have a motion.

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

The Clerk read as follows:

Mr. Himes moves to reconsider the vote on passage of H.R. 729.

## MOTION TO TABLE

Ms. MCCOLLUM. Mr. Speaker, I have a motion to table.

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

The Clerk read as follows:

Ms. McCollum moves to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. HARRIS. 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.

## CELEBRATING HUMAN RIGHTS DAY

(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, I rise today to celebrate Human Rights Day.

More than 70 years ago today, the United Nations established the fundamental human rights to be protected for every person in every nation, such as the right to liberty, freedom from slavery, and freedom of opinion.

But there were rights added in 1976 that bear repeating here today: the right to work in just and under favorable conditions, the right to an adequate standard of living, and the right to an education.

In the last few decades, we have failed to live up to these rights. We

have allowed unions to lose their power and protect worker conditions. We have failed to increase the Federal minimum wage. We have failed to provide funding for higher education.

We need to get these rights back for all Americans. We can regain the high ground in our struggle for human rights.

## RECOGNIZING STAFF MEMBER BETTY FORD

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

Mr. MULLIN. Mr. Speaker, I rise today to recognize a member of my staff and a true servant of Oklahoma, Betty Ford.

Betty has served southeast Oklahoma, working as a congressional field rep for 29 years. She has worked for five different Members of Congress, including myself. At the end of the year, Betty is going to retire.

I know she is looking forward to spending more time with her grandkids and with her kids. While we will definitely miss her, we wish her nothing but the best in her next chapter.

I thank Betty for serving with a servant's heart, and I thank her for all she has done for all of us in Oklahoma.

May God bless her.

## END THE USE OF HARMFUL BURN PITS

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

Mr. RUIZ. Mr. Speaker, many servicemembers and veterans across the country who have been exposed to military burn pits are becoming ill. Many are dying due to cancers and suffering from severe pulmonary and autoimmune diseases.

We have the chance to end the use of harmful burn pits this week with my two amendments in the National Defense Authorization Act for Fiscal Year 2020.

Our military uses burn pits to eliminate dangerous waste, including chemicals, jet fuels, and batteries, which can emit toxic smoke containing carcinogens and particulate matter.

In my district, we tragically lost to pancreatic cancer Jennifer Kepner, a 39-year-old Air Force veteran exposed to burn pits who left behind her husband and two young children.

We must act now for veterans like Jennifer, for their families, and for everyone affected by burn pit exposure.

My provisions in the NDAA require the Department of Defense to submit to Congress an implementation plan to end the use of burn pits and to inform Congress on all locations where burn pits were used.

These amendments are an important step in the comprehensive plan to end the use of burn pits. We must do it now.

□ 1800

## REMEMBERING CRAIG HARNEY

(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 remember the life of Mr. Craig Harney, who passed away on November 30 at the age of 65 after battling cancer.

Mr. Harney was a stalwart of Savannah journalism—unbelievably dedicated to his craft at WTOC—and largely responsible for making WTOC the Southeast news leader.

He began at the news station 40 years ago, while a student in college, with a part-time job answering the phone. By the end of his career, he had worked his way up to become WTOC's creative director and, at different points, held nearly every position at the station.

His colleagues remember that he knew how to get to the heart of the story and that he was interested in doing everything he could to help shine a light on what made our community so special. It was this effort and talent that he put into his stories, which made our area a better place to live and exemplified Mr. Harney as a true Savannahian.

His vibrant personality, always meandering throughout our communities in search of stories to highlight, is simply irreplaceable.

My thoughts and prayers will be with his family, friends, and all of his colleagues at WTOC during this most difficult time.

## CONGRATULATING SUNNY HILLS HIGH SCHOOL AND ESPERANZA HIGH SCHOOL

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

Mr. CISNEROS. Mr. Speaker, I rise today to congratulate two high schools in my district on their CIF Southern Section football championships.

I offer my sincere congratulations to Sunny Hills High School's Lancers from Fullerton for their win in the CIF Southern Section Division 8 final.

I also want to congratulate the Esperanza High School Aztecs for their win in the CIF Southern Section Division 13 final.

We are all especially proud of both schools for their amazing run through the playoffs. This is both Sunny Hills' and Esperanza's first CIF championships since 1972. Their championships speak to the leadership of their head coaches, Pete Karavedas and Wes Choate, and their respective coaching staffs.

But, more importantly, these championships were possible due to the dedication, commitment, and teamwork of the players. I have no doubt that this is just the beginning of continued success for both programs.

Again, on behalf of the 39th Congressional District, I want to congratulate both Sunny Hills and Esperanza High Schools for two outstanding championship seasons.

## HONORING OFFICER KEN FOLEY

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

Mr. SPANO. Mr. Speaker, I rise to honor a local police officer, husband, father, and respected community member: Ken Foley.

In 1990, Officer Foley joined the Lakeland Police Department following 8 years with the United States Marine Corps. Last week, on December 4, after 29 years of distinguished service, his career and his life here on this Earth came to an end as he died unexpectedly while on duty.

Police Chief Ruben Garcia shared that Foley was an "everyday first responder and definitely one of our local heroes."

Officer Foley was active in the community, and he knew it well. Lakeland residents flooded social media with anecdotes about Officer Foley's infectious smile, his compassion, and his unique ability to connect with people.

Officers like Ken Foley make me proud of my community and grateful for the daily sacrifices of our first responders.

So, to Officer Foley's family, his friends, and the entire Lakeland Police Department: Our prayers are with you all. May God bless, comfort, and keep you during this difficult time.

## MULLICA TOWNSHIP ACES PROGRAM

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

Mr. VAN DREW. Mr. Speaker, today I want to acknowledge the Mullica Township ACES program, a school district initiative in south Jersey. It is an initiative started by Barbara Rheault that provides academic aid and enrichment to students after school hours.

The ACES program started in Mullica Township, south Jersey, 12 years ago thanks to grant funds for a 21st Century Community Learning Center from the New Jersey Department of Education.

This after-school program is vital to south Jersey because it provides after-school care to students that balances academic opportunities and recreational activities. At ACES, students have time to complete their homework and participate in sports or other games and activities, which cultivates both their academic and social development.

ACES also offers additional tutoring, counseling, and health-safety education so every student has access to whatever they need to achieve success.

I thank the ACES program, Barbara Rheault, and the Mullica Township School District for providing this educational experience for our youth. I am proud of them.

## PAYING TRIBUTE TO DR. C.O. SIMPKINS, SR.

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

Mr. JOHNSON of Louisiana. Mr. Speaker, I rise today to pay tribute to a true Louisiana icon, Dr. C.O. Simpkins, Sr., a doctor, veteran, distinguished public servant, and civil rights leader, who passed away last week.

Doctor Simpkins, a proud native of Mansfield, Louisiana, leaves behind a wonderful legacy of service to his fellow Louisianians: He defended our Nation as a captain in the United States Air Force; he treated our families as a beloved dentist; and he served honorably as a member of the Louisiana House of Representatives.

Dr. Simpkins' greatest impact was unquestionably in the fight for civil rights. He was a friend and contemporary of the Reverend Dr. Martin Luther King; he was a founder of the Southern Christian Leadership Conference; and he was a tireless advocate for freedom, justice, and equality.

Today I am honored to join my colleagues from the Louisiana delegation to introduce legislation to designate a U.S. Post Office in Dr. Simpkins' name in his hometown of Mansfield. It is a small but sincere gesture of appreciation for a good man whose legacy lives on in our Nation, our State, and our communities.

Godspeed, Dr. Simpkins.

## CONGRATULATIONS TO LA SALLE HIGH SCHOOL

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

Mr. CHABOT. Mr. Speaker, I rise this evening to congratulate my alma mater, La Salle High School, for winning their fourth Ohio Division II football championship in the last 6 years. They defeated a tough Masillon Washington High School team 34-17.

I was particularly pleased to see La Salle bring home another championship since I played defensive line for the Lancers back in the day, and my brother, Dave, 10 years later, played defensive back.

Congratulations to Coach Pat McLaughlin, his coaching staff, the players, parents, students, and fans. You made the school and all of Cincinnati proud. Lancers roll deep.

Mr. Speaker, I would also like to congratulate the Cincinnati Elder Panthers, who had a great season as well but came up just short of winning the Ohio Division I championship.

My nephews, Joey and Mikey Del Prince, played for Elder a few years back.

Don't get too down, guys. You will get them next year. Go Panthers.

#### THE BLESSINGS OF FREE ENTERPRISE AND CAPITALISM

The SPEAKER pro tempore (Mr. DELGADO). Under the Speaker's announced policy of January 3, 2019, the gentleman from Kentucky (Mr. BARR) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARR. Mr. Speaker, tonight we find ourselves at a crossroads in the history of our great Nation, a nation founded upon the simple, self-evident truth that we are endowed by our Creator "with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

With those words, the Declaration of Independence gave birth to a new nation rooted in the principles of limited government, individual freedom, and the rule of law through self-government, and it set into motion the greatest experiments in human freedom and prosperity the world has ever known. That is largely because our Constitution protected those principles through separation of powers, federalism, and the Bill of Rights.

Just as the Constitution protected political freedom, it also protected our economic freedom and enabled the American people to flourish through entrepreneurship, business, and private enterprise operating in a free market. In short, Mr. Speaker, American capitalism, as enabled by the United States Constitution, has delivered the most free, prosperous, and successful country in the history of the world.

But today, those principles of free enterprise and capitalism are under attack, and that experiment in liberty is threatened by leftwing politicians who are openly embracing socialism, defenders of central planning in the media and in the academy, and even some business leaders who are calling for a redefinition of the purpose of a corporation.

So, today, my colleagues and I, members of the Republican Study Committee, join the debate. We join the debate between staying on the road of capitalism, prosperity, and freedom versus going down a much different path, what Austrian-British economist and philosopher Friedrich August von Hayek called "The Road to Serfdom," in which he spelled out a vivid warning to the socialist intelligentsia in England that an experiment with socialist policies would result in the same disastrous outcomes that had destroyed liberty in Germany and Russia.

The experience of history is clear: Whenever and wherever socialism has been tried and put into place, it has resulted in a loss of individual freedom, economic stagnation, diminished productivity, deprivation and shortages, misery, and death.

Central planning in Germany, Italy, and Japan before World War II and in the Soviet Union and China in the postwar, Cold War era, invariably resulted in soul-destroying and liberty-crushing totalitarianism.

To paraphrase Hayek, fascism, communism, and so-called democratic socialism are merely variants of the same totalitarianism which central control of all economic activity tends to produce.

Socialist Parties may not deliberately aim for a totalitarian regime, but the experience of history teaches us that the unforeseen but inevitable consequences of socialist planning create a state of affairs in which, if the policy is to be pursued, totalitarian forces will get the upper hand.

Economic planning necessarily requires coercion and uses of compulsion upon individuals in ways that deprive them of freedom of choice. As author Charles C. W. Cooke recently wrote, "Socialism Is Not Democratic."

Ascendant elements within the American left are engaged in a sustained attempt to reintroduce and rehabilitate the word "socialism," in part by pretending to it a word that has a much better reputation and an infinitely better historical record: "democratic."

Voters should not be fooled by the rebranding, for there is no sense in which socialism can be made compatible with democracy. At worst, socialism eats democracy and is swiftly transmuted into tyranny and deprivation. But, at best, socialism stamps out individual agency, places civil society into a straight jacket of uniform size, and turns representative government into a chimera.

The U.S. Constitution is crystal clear on the appropriate role of government. And government that it permits is incompatible with and insufficient to sustain socialism.

Just as the individual right to free speech is widely comprehended as part of what we mean by democracy rather than as an unacceptable abridgement of majority rule, so the individual rights protected in property and by markets are necessary to the maintenance of a democratic order in this deeper sense of the word.

In the West, choosing to trade with a person in another country is, itself, a democratic act.

Electing to start a company in your garage with no need for another's imprimatur is, itself, a democratic act.

Banding together to establish a cooperative is, in itself, a democratic act.

Selecting the vendor from which you source your goods and services and choosing which to buy from, it is, itself, a democratic act.

Keeping the lion's share of the fruits of your labor is, itself, a democratic act.

So, when the government steps in with their bayonets and say no, they are, in effect, keeping your choices off the ballot.

Democratic socialism, to me, is about democratic control of every single facet of our life. That is one way of putting it; certainly, another is tyranny.

□ 1815

So during the last 3 years through tax cuts, deregulation, unleashing America's energy and easing restrictions on credit markets by rolling back Dodd-Frank's one-size-fits-all rules, we have witnessed a rebirth of freedom and free enterprise. We have witnessed a reinvigoration of America's first principles and a very fortunate move away from socialism. The result has been an American worker boom, but if we retreat from these hard-fought gains, we will return to the road to serfdom.

The socialist policies of today with populous names like: Medicare For All, the Green New Deal, the Lower Drug Costs Now Act, the Wall Street Tax Act, the Stop Wall Street Looting Act, these pieces of legislation are all a danger to a free society. They are nothing more than central planning schemes that accumulate power in the government at the expense of the people, and in ways that rely on administrative coercion, force and discrimination, and through measures which are entirely incompatible with a free society.

If you think that a transition to socialist policies won't pose a danger to our economy, I would urge you to review the so-called Accountable Capitalism Act, offered by Senator and candidate-for-President, ELIZABETH WARREN.

The bill is a wish list of socialist ideas aimed to shackle government enterprise with government control. The bill would require any company over \$1 billion in revenue to be chartered by the Federal Government and allow the Federal Government to relinquish that charter at any time through opaque rules. The bill gives control to the government to determine who serves on a company's board and whose interests that board must satisfy.

Senator WARREN went so far as to send letters to CEOs of some of America's largest and most successful businesses stating that she, "expects them to support her bill." With this burden of government control over its operations, where is the incentive for business to expand? Where is the incentive for Americans to innovate? Where is the incentive for Americans to risk their capital in entrepreneurship? Where is the incentive to increase revenue or create new jobs?

Presidential candidate, BERNIE SANDERS, said that we should wage a moral and political war against corporate leaders.

The gentlewoman from New York, our colleague, Ms. OCASIO-CORTEZ, called capitalism, "irredeemable."

These arrogant attitudes of our Nation's elected representatives threaten the very principles of limited government and individual freedom on which

our country was founded, and they compromise the path to prosperity that a capitalist system creates.

Tonight, Mr. Speaker, we will explore the extent to which socialism destroys freedom and crushes the human soul, and we will examine how socialism, far from delivering on its promise to help people struggling in poverty, that socialism itself produces poverty. It produces famine and misery and corruption.

And we will also, on the flip side, in contrast, we will examine capitalism and how free enterprise and the benefits that it creates helps individuals and businesses thrive, how it is the American Dream and how pro-growth, free and fair market policies beget innovation, opportunity, and prosperity.

Mr. Speaker, I yield to my colleagues, beginning with the gentleman from Louisiana (Mr. JOHNSON), my friend and the chairman of the Republican Study Committee, a champion of free enterprise and a proud opponent of socialism.

Mr. JOHNSON of Louisiana. I truly thank my friend, Congressman BARR, for hosting this Special Order. I applaud the sentiments that he just shared. I associate myself with them and the conviction that he has. I certainly share it, and I know so many of my colleagues, at least on this side of the aisle, do as well.

In 1923, there was an average, middle-class family man named Roy Otis Martin, who bought a rundown lumber mill in Alexandria, Louisiana. He worked hard. He established it, he expanded it. He ultimately transformed it into one of the largest economic generators for our State.

This is what makes America great. This is true freedom. This is real opportunity. And it is a story that has been repeated so many countless times throughout our Nation's rich history. However, many Americans, particularly our younger generation, seem to be losing hold of these values.

There was a survey that just came out this past March; we all lamented the findings: 49.6 percent—almost 50 percent—of millennials and members of Generation Z responded to this poll and said that they would, “prefer living in a socialist country.” It is shocking.

Just last month, there was another poll that came out. It found that 70 percent of millennials say they are likely to vote socialist; 15 percent of millennials think the world would be a better place if the Soviet Union still existed. Only 57 percent of millennials believe the Declaration of Independence better guarantees freedom and equality over the Communist Manifesto. These are just shocking numbers, and they are really frightening, because it is this mindset that is the antithesis of everything that our Founders fought for.

What do we stand for in America? We stand for core American principles, the principles of individual freedom and limited government and the rule of

law; things like peace through strength, fiscal responsibility, free markets, and human dignity. And those are all of the values that socialism steamrolls. Those are the ideals that this country was founded on, and they have to remain the foundation for everything we do because it is central to our identity.

Unfortunately, now more than ever, there is this false message that has taken root, one that says government is better, that more government is even greater. Most of those running for President in 2020 on the Democrat side of the aisle are promising free healthcare and free education, and some are going as far as actually promising free money to every American on a monthly basis for those who put their trust in the government.

The problem is, the government was never intended to be our savior. Our Founding Fathers built this Republic on strong convictions that every American is entitled to individual freedom and they should never be controlled or owned or dictated to by the government. In fact, Thomas Jefferson said the following during his first inaugural address:

“What more is necessary to make us happy and a prosperous people? Still one thing more, fellow citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned.”

There are two competing visions for America today, and that is the bottom line. The contrast is becoming ever more crystal clear. You simply cannot be for individual freedom and liberty and also be for socialism. Those are mutually exclusive pursuits. You simply can't have both.

Socialism is the antithesis of everything we stand for in America, beginning with our national motto, inscribed right there above the Speaker's head.

Do you know that socialists sneer at the motto “In God we trust?” You know why? Because as social Democrat-turned Communist hero and Soviet Union Premier, Vladimir Lenin, explained in 1905, this is what he wrote: “There is nothing more abominable than religion.” Every socialist is, as a rule, an atheist.

But now is the time for us to articulate with clarity, conviction, and consistency exactly what our Founders stood for, what America is for, who we are, and why we are exceptional.

I close by just thanking, again, the gentleman from Kentucky for putting this Special Order together at such a critical hour in our Nation's history.

And we will continue to fight wholeheartedly against socialism, so that all Americans can have the same opportunity that our forefathers had to turn lumber mills into legacies.

Mr. BARR. Mr. Speaker, I thank my friend, the gentleman from Louisiana

for that stirring story, and I appreciate what he had to say. Every generation in America has had to fight for freedom and fight for free enterprise.

And I am reminded by a couple generations after the Founding Fathers when our 16th President, Abraham Lincoln, in fighting for capitalism freedom said this:

You cannot help the poor by destroying the rich. You cannot strengthen the weak by weakening the strong. You cannot bring about prosperity by discouraging thrift. You cannot lift the wage earner up by pulling the wage payer down. You cannot further the brotherhood of man by inciting class hatred. You cannot build character and courage by taking away people's initiative and independence. You cannot help people permanently by doing for them what they could and should do for themselves. Abraham Lincoln.

And now, I yield to the gentleman from Virginia (Mr. WITTMAN), my friend from the Commonwealth and a great patriot.

Mr. WITTMAN. I thank the gentleman from Kentucky for his stout and devout effort to highlight the differences between socialism and capitalism.

Just as you have heard, this really is a stark difference. It really is about what was this Nation founded upon. What was it that our Founding Fathers had in mind that was so important to who we are? What were they doing to escape other systems of government to come here to create what has been and will continue to be the most accommodating and perfect form of government ever created? And why has it survived longer than any other form of government?

It is because it highlights and allows the human spirit to prevail in all situations. And if you look at just what the definition of socialism is, it does, I think—for anybody out there who looks at this—it does give them pause.

If you look at Merriam-Webster, the definition of socialism is: “Any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods.”

So rather than an individual saying: Hey, listen, I have got an idea. I am willing to risk my resources. I am willing to put everything I have into this to succeed under a system of capitalism. Under a system of socialism it would be: No, no, no, sorry. The government is going to be in control of this, and if the government sees this as a good thing, then it will allow it to go forward.

Another definition: “A system of society or group living in which there is no private property.”

Think about that. I want everybody out there to think about this, millennials and otherwise, a system where there is no private property.

Think about what your life would be if there were no private property—your home, your automobile, all this idea of collectivism is the underpinnings of socialism.



Another definition: “A system or condition of society in which the means of production are owned and controlled by the State.”

So if you have a business and you are very good at what you do, just as Mr. JOHNSON pointed out, that business in Louisiana that the man was very good at building a company that met the needs of folks that needed building supplies. Sorry, if it is under socialism, the production there at that company is going to be controlled and owned by the State.

Now, think about that. Think about those elements and what has made this Nation great. This Nation has not been made great by having things under government control. It is the innovation, it is the creation, it is the willingness to take risks by individuals across this Nation that have provided for the Nation we are today, and I believe it is the greatest provider of human needs. In fact, our system of capitalism which operates in a free market system, in what we know as the free enterprise system, is the most productive supplier of human needs and economic justice.

You hear a lot today about economic justice. Oh, my gosh, there has to be economic justice. Economic justice is provided by the will and creativity of individuals in being able to pursue what falls within their realm of talents. How can they take what they have as individuals, whether it is resources or talents and make the most of those? That is what has made our Nation great. That is the system of government that beyond all others has shown through history to be extraordinarily successful.

It has made us the Nation we are today. And it is our job as legislators to point that out, to make sure we enable this system of government to do even more. We look at our economy today, and we understand that government needs to get out of the way. Government needs to be an enabler, government needs to make sure that we allow for the creativity and innovation that again makes this Nation great. It is our job to encourage those businesses to thrive instead of subjecting them to additional regulations.

You know the element of deregulation has been phenomenal. And if you talk to businesses today, they love it because they say, Listen, you unleash that entrepreneurial spirit. You unleash the willingness for us to take a risk. You unleash us being innovators and creators and doing things that otherwise wouldn't be possible under a system of socialism.

We just saw here recently the jobs report. We have a record unemployment rate being at record low levels. We look at employment in all sectors of our society being at record highs. We look at wage growth increasing—all of those things happening under our system of free enterprise.

I will go to Virginia and look at what is happening in Virginia. Virginia was

named as one of the top places to do business in 2019, and it is because the State legislature has enabled businesses to prosper.

□ 1830

They have created the right mix of leveling the playing field through regulation for businesses, not being over regulatory but making sure that we create a fair and level playing field. That is, indeed, the role of government.

That will not happen under a system of socialism where a government is in complete control. That is counter to what made our Nation great.

We know that the proposals being made by the other side that espouse these elements and underpinnings of socialism include things like Medicare for All, which is a taxpayer-funded, government-run healthcare system that, by conservative estimate, would cost tens of trillions of dollars and would force 158 million Americans off their private or employer-based healthcare plans.

As I talked to folks, they said, “Listen, give me the choice. I want that individual liberty and freedom,” that which comes to them under our Constitution. They want to be able to choose. They don't want the government in control. Yet, under socialism, the government is in control.

Other measures that include the Green New Deal and a plan to require taxpayers to subsidize Federal elections put the government in control, the government in the driver's seat.

So, the ability to self-determine, the ability to say, “Listen, there are some things that I can do if the government would just make sure that, in the regulatory realm, they level the playing field, make sure they don't take too much of what I earn in order to run the government,” so that they can, indeed, be successful.

Those are the underpinnings of a successful government, a successful system of free enterprise, a system of capitalism that provides for the needs of citizens of our Nation.

The Green New Deal would dictate what Americans can eat and where they can travel and how they can power their homes and what they can do to make a living and what they can buy and so much more. It controls that.

Again, the idea under the Green New Deal is the government is in control.

Let me tell you, if we are going to be a nation where we have energy independence, where we look at having cleaner air, where we look at making sure that we do things that are environmentally responsible, it is unleashing the innovation and creation that comes to us under a system of free enterprise that will do more than, I argue, any government-dictated system.

So the Green New Deal, saying government is going to mandate this and mandate that, actually, I think, takes us longer to get to the place where we

need to be to make sure that our environment is clean and we are doing the best job possible in using our energy resources.

In total, the cost to the taxpayer is unbelievable: \$93 trillion, or \$600,000 per family, across the Nation. That is not the highest and best provider of human needs, and I understand human needs.

Socialism threatens to destroy the very foundation of our great Republic, the foundation that men and women, since our birth, have fought and died for, that idea. That idea that has made our Nation great and will continue to make our Nation great is an idea about individual liberties and freedoms, that is, unleashing the power of individuals to pursue their dreams, to take their innovative and creative skills and do more.

And they have made this Nation what it is today. It is through this capitalist idea of limited government, of limited regulation, of unlimited opportunity that creates economic prosperity.

As all of us look at where this Nation goes, we ought to be looking at enabling individuals, and the system of capitalism does that.

Our Constitution, the greatest governing document ever put together, is the roadmap for that continued greatness. You won't find anywhere in the Declaration of Independence, anywhere in our U.S. Constitution any mention of any principle of socialism.

You will find throughout that, though, preserving individual liberties and freedoms, making sure that we are meeting the needs of individuals and making sure the government is there to protect those individual liberties and freedoms that we received from our Creator.

That is what has made our Nation great. That is what will continue to make it great. That is what we all need to make sure that we communicate so that we can continue what is and will continue to be the greatest Nation the world has ever known.

I thank Mr. BARR so much for the opportunity this evening to speak about what truly is a contrast between the principles of our Republic that operates within a democracy, that system of capitalism versus socialism, and why we know it has made and will continue to make this Nation great.

Mr. BARR. I thank my friend from Virginia for his passionate defense of free enterprise and illuminating the true cost of socialism, and not just the \$93 trillion price tag that he mentioned, but the true cost, which is the cost of our very freedom by empowering government at the expense of the people.

At this time, to continue our discussion, Mr. Speaker, I would like to recognize a true capitalist. Who better to defend the system of capitalism than a man who is, himself, a businessman, an entrepreneur, a risk-taker, a capitalist: my good friend and a terrific member of the Financial Services Committee, Congressman ROGER WILLIAMS.

Mr. Speaker, I yield to the gentleman from Texas (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I thank Mr. BARR for yielding time to me and for being here today with us so we can talk about what really makes this country so great.

I rise today to make the case against socialism because it is not compatible with freedom. If you have got it, they want it. Socialists want the free stuff; capitalists want the good stuff.

Let's look back in history at the divide between those who destroyed human potential and those who empowered others to stand on their own feet and make a difference.

I have created an all-star team tonight. On the socialist all-star team, you will recognize names like Vladimir Lenin, Karl Marx, Hugo Chavez, and Fidel Castro, all proponents of socialism who promised their people would be provided for if small amounts of individual liberty were forfeited.

Instead, they left men, women, and children starving in the streets and stuffed their pockets with money from other people. These failed socialist regimes drove their countries into the ground, some of which have never recovered.

On the capitalist all-star team, you will recognize names like Adam Smith, Ronald Reagan, George Bush, Jack Kemp, Henry Ford, and Donald Trump, all proponents of capitalism who promoted the ideas of individual responsibility and free enterprise.

Now, this team recognized that what sets America apart from the rest of the world is the drive to reach our fullest potential, coupled with a free-market economy.

Risk and reward are a big deal to capitalists. They want a hand up. Guarantees are a big deal to socialists. They want a handout.

Capitalism is about taking responsibility for what you create and making it even greater. We are a nation of opportunity and incentive, and because of those principles, we are a nation of hope, where everyone can benefit.

Capitalists believe in individual integrity and the dignity of reaping reward from hard work. It is the greatest force in the history of our world for lifting people out of poverty, and we must instill this value in future generations.

Now, the version of shiny, progressive socialism that we see touted by Democrats promises equality and prosperity. They sell these lies to everyone, that everyone can succeed if there is a central power regulating fairness. Well, that central power, remember, runs Amtrak and it runs the post office.

Now, fairness could not be further from the truth. The government should never, ever be in the business of picking winners and picking losers.

I serve on the Financial Services Committee, and I ask most witnesses who testify before us if they are a socialist or a capitalist.

Mr. Speaker, can you guess the results?

They are, overwhelmingly, capitalists because, under capitalism, individuals own their work because they are incentivized by greater gain. It is a system that rewards innovation because it maintains demand for the best products and demand for the best price. These ideals translate into the core of the American economy.

Capitalism is the American Dream; socialism is the American scheme.

Neighbor-owned businesses like bakeries, coffee shops, florists, auto repair stores, and boutiques are the lifeblood of our communities. In short, they are simply called Main Street America. And it was built by men and women who wanted to reach for more because, at the end of the day, we inherently possess a desire to dream bigger and to dream bolder.

Socialism doesn't work in our small towns. What is happening in Caracas, Venezuela, is not what we want in Cleburne, Texas.

In the end, socialism fails because it is based on the false promise of certainty. It is a failed system because it is unable to excite the human spirit.

The bottom line is it is a downer. It is a total loser. America will never be a socialist country because the fabric of our Nation is soaked in the moral imperatives of responsibility, pride, and discipline.

In closing, I want to ask this body and the millions of people we represent: Which team do you want to be on? Do you want to be on Ronald Reagan's team, or do you want to be on Fidel Castro's team?

Let's take the days on, not take the days off.

May God bless Texas, my State, and may God continue to bless the land of opportunity, the greatest land in the world, the one we love to call home, the United States of America.

Mr. BARR. Mr. Speaker, I thank my friend from Texas for his terrific statement in defense of the American Dream and capitalism and freedom.

Mr. Speaker, if I could inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 25 minutes remaining.

Mr. BARR. Mr. Speaker, at this time, I would like to recommend a true patriot to his country; a veteran who has served his country; a man, quite frankly, who has fought communism and socialism in Southeast Asia; a great American hero from the great Hoosier State of Indiana, Congressman JIM BAIRD.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman for the opportunity to express my thoughts about the rising trend in socialism.

We have seen the effects of socialism, and you need not look very far to see the disastrous results that socialism has brought to countries across the globe.

From the collapse of the Soviet Union in 1991 to the political and hu-

manitarian crisis unfolding in Venezuela, socialism has brought about mass suffering, human rights violations, and rampant corruption. No other form of government has brought about such tragic results.

Capitalism has stood the test of time, fueled by individual freedom and free market competition. The United States has flourished because of capitalism, becoming the world's largest economy and providing economic opportunity for hundreds of millions of citizens.

We must stand for capitalism. Without it, humanity will recede and our progress will slow.

I call your attention to the thousands of men and women who have served in uniform and some who gave all in an effort to protect the freedoms that we enjoy.

Mr. Speaker, I never thought that I would feel the need to speak out against socialism before this great body, but I will do so so that generations to come will enjoy the same opportunities for prosperity that my generation was afforded.

I thank the gentleman again for this opportunity.

Mr. BARR. Mr. Speaker, I want to personally thank the Congressman and millions of Americans of his generation and those servicemen and -women who answered the call and served their country and fought to defend our freedom. Future generations of Americans are eternally grateful for his service and sacrifice.

Mr. Speaker, at this time, I look forward to hearing from my good friend from the State of Texas, Congressman JOEY ARRINGTON, who, once again, joins us in defense of freedom and traditional American values of limited government and free enterprise and stands firmly in opposition to the bankruptcy of socialism.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, I thank my dear friend from the Commonwealth of Kentucky, a stalwart when it comes to freedom, a champion of free people, free States, and free markets. And I appreciate my dear friend for hosting this very important and timely discussion to articulate the virtue and the values of freedom.

It is hard to believe we can stand in this great Chamber with any need to distinguish between a free system and a free country and what happens when you lose those freedoms.

□ 1845

America is the most powerful, most prosperous, and most generous nation in the world, and it is because America is the freest nation in the history of the world and on the face of the planet. The quickest way for America to lose her shine, her brilliance, her exceptionalism is for her to lose her freedoms.

Mr. Speaker, when our Founding Fathers were framing the more perfect

union, they made the central determination that our constitutional Republic would limit the Federal Government's role in our lives. They believed that if they limited government, they would unleash the limitless potential of the American people, free people created in the image of God.

While we recognize the challenges of our fallen human condition in any system of government, nothing has been a greater force for good, save and except the love of God, than freedom. Indeed, nothing has elevated and empowered the human spirit in this country and across the globe like the free enterprise system. Over the course of the 20th century, we can see the profound impact of free markets on the lives of Americans.

In 1900, the average life expectancy of Americans was 47 years. By the end of the century, it was 78 years.

At the beginning of the 20th century, 56 percent of American families were considered poor, but by 1967, before the expansion of the American welfare state through the Great Society programs, the number of American families considered poor was only 13 percent.

I would also insert there that we have spent trillions of dollars since the advent of Big Government welfare programs, well-intended, of course, over \$20 trillion since the 1960s. We spend 16 times today what we spent in the 1960s on welfare programs, and we haven't moved the needle a bit. The poverty rate is the same.

If we look at the 20th century alone, we can see that free markets have given Americans the most opportunities, the highest standard of living, and the best quality of life anywhere in the world.

Contrast this with Venezuela, previously one of the wealthiest nations in the hemisphere, blessed with an abundance of oil and gas reserves, which is the basis of their economic prosperity. Today, 82 percent of Venezuelans live in poverty, thanks to the legacy of socialist policies implemented by the late dictator Hugo Chavez and his successor Nicolas Maduro.

Contrast that with what we have been doing recently with President Trump over the last few years and in my first term in the 115th Congress. We have promoted freedom, freer markets, and fairer trade. We have put in place progrowth, free market policies that have unleashed even greater economic potential of these United States. We have seen historic unemployment rates, historic wage increases. We have seen trillions of dollars in wealth created in the stock markets for those who need pensions and 401(k)'s, for folks saving for retirement.

The list is long, but the message is that if you get off the backs and out of the way of our entrepreneurs, our innovators, our risk-takers, they will do what they do best, and that is create opportunities.

But all of these opportunities, this record growth, and these benefits for

American families are at risk. Our country, my dear friend, Mr. BARR, is at an ideological inflection point. We can continue to build on the success and prosperity from free markets, or we can go down the road to serfdom that you mentioned.

I don't think we need to look any further than the poll that Mr. JOHNSON mentioned where 7 in 10 millennials are "somewhat or extremely likely to vote for a socialist candidate." Eighty million strong, and 70 percent of the generation that will make up the largest voting bloc in the next election is leaning toward voting for a socialist, not in Cuba or in Venezuela, right here in the United States of America.

John Adams told us: You will never know how much it cost my generation to preserve your freedom. I hope you will make good use of it.

Folks, right now, we are in grave danger of forsaking the freedoms for which our Founders fought if we go down this ruinous road of socialism. The choice we make as Americans will determine our Nation's identity for the remainder of the 21st century. It is a choice between whether our future will be forged by freedom and faith both in God and in our founding principles, or whether we are going to submit to the rise of socialism and the tyranny of Big Government.

We have to be vigilant and do everything in our power to ensure the arc of the future bends toward freedom, not government control over every aspect of our lives. Only if we do this, only if we protect these precious freedoms, will we give our children and grandchildren the freedoms and opportunities that every generation of Americans has enjoyed.

I thank Mr. BARR for the opportunity to join in this Special Order. I thank him for his intentionality to bring this topic for discussion and for including me.

Mr. BARR. Mr. Speaker, I thank my friend from the great State of Texas for his vigorous defense of freedom, limited government, and capitalism. I certainly appreciate his words and his friendship.

Mr. Speaker, may I inquire as to how much remaining time I have.

The SPEAKER pro tempore. The gentleman from Kentucky has 16 minutes.

Mr. BARR. Mr. Speaker, in the remaining time I have, I want to address a couple of additional topics, one of which is that the defenders of socialism and those who are trying to infect a new generation with the lie of socialism, that it is somehow good for the poor and that it is a system that is targeted to help the poor, this is the greatest, perhaps, of all the lies of socialism.

We talked about the lie of socialism, that it could possibly be democratic. We talked about how it is totally incompatible with democracy. We talked about how it is incompatible with a free society. But so many of the proponents of socialism and central plan-

ning say that we need to address income inequality, that we need more equality, more social justice.

As an author recently pointed out, socialism has been terrible at helping the poor. It has been terrible at helping women advance. It has been terrible for civil liberties. It has been terrible at helping the environment. It has been terrible at attracting immigrants. It has been terrible at tolerating and protecting minorities. It has been terrible at fostering technology, architecture, and art. It has been terrible at producing agriculture. Worst of all, it has been terrible at sharing power and resources.

Indeed, it has done precisely the opposite, creating new ruling classes that are far less adept, far less responsive, and far less responsible than the ones they replaced.

Socialism is good at distributing poverty, sharing poverty, creating and producing poverty. It is the worst possible solution to curing poverty.

My friend from Texas made an allusion to Venezuela and how good of an example that is to illustrate the moral bankruptcy of socialism when actually put into practice.

The Venezuelan President is now a ruthless dictator who has cracked down on free speech, prohibited mass political protests, and confiscated firearms from anyone who is even remotely critical of him. Thirteen percent of the country's population has now fled. Those who have remained have been left so degraded by the government's price controls that they have gone years without toilet paper, meat, and other basic necessities and, as a consequence, have taken to eating zoo animals for sustenance and scouring garbage bags for supplies.

According to the Pharmaceutical Federation of Venezuela, the country is suffering through an 85 percent medicine shortage and a 90 percent shortage of basic medical supplies. The child mortality rate has increased 140 percent.

Ninety percent of Venezuelans now live in poverty. This year, the IMF predicts inflation will hit 10 million percent. All of this is in a country with the world's largest oil supplies, reserves greater than those of the United States by a factor of 10.

Mr. Speaker, Venezuela is the classic example of how socialism doesn't cure poverty. Socialism produces gut-wrenching poverty, misery, deprivation, and shortages, in addition to the lack of liberty that it affords its subjects.

I am certain that my colleagues on the other side, even those who profess an allegiance to socialism, share our goal of lifting up those who are struggling and providing them with security and with an opportunity to live happy, healthy, and prosperous lives.

Those who say they want Medicare for All because they care about the health of people or they want the Green New Deal because they believe in

an environment worthy of our children, I don't question the sincerity. What I fear from my colleagues who advocate these disastrous policies is that they do not fully comprehend that the means they are asking the government to employ to achieve those goals will produce the deprivation, the environmental degradation, and the poverty which they believe can be cured by disrupting market forces.

Indeed, the central planners believe prosperity is best achieved through government intrusion into the market, socialization of industries, and a redistributive model that disincentivizes personal achievement and responsibility.

But tonight, we, the Republican Study Committee, come together in this debate to express that we believe that the best way to achieve economic security and prosperity is to expand opportunities, allow innovation to thrive, and create an environment where hard work pays off. It is not about giving each person an equal piece of the pie. It is about growing the pie as much possible so that more people may partake.

A growing economy that produces a strong labor market is the best way to lift up people. This administration's current pro-growth economic policies continue to produce blockbuster job creation, higher wages, strong economic growth, and upward mobility, the American Dream.

Last week, we saw another string of positive jobs reports, with unemployment falling to 3.5 percent, a 50-year low. Unemployment for African American males is at a 50-year low of 5.1 percent, and wages continue to grow.

In every category of demographics, people are doing better because they have been liberated through policies that unleash the creative spirit of the American people and free enterprise.

If you care about the poor, if you really care about solving poverty, consider the words of Catholic Priest Robert Sirico, the president and cofounder of the Acton Institute. He sums it up nicely in his book "Defending the Free Market: The Moral Case for a Free Economy." If you want to help the poor, he says, start a business.

Employ people. Give them a job. Allow them to achieve their God-given potential by learning that work means an opportunity for them to realize their God-given potential and help other people through their own labor and their own creativity.

Free markets not only increase economic prosperity in general, but they also provide better standards of living. This concept applies in the United States and in jurisdictions around the world.

There is data to support this idea. Each year, the Cato Institute and the Fraser Institute in Canada copublish, in coordination with 70 think tanks across the world, the "Economic Freedom of the World" report. The report measures economic freedom via five

metrics: the size of government, the legal system and property rights, the soundness of money, the freedom to trade internationally, and the amount of regulation.

The United States ranks in the top five countries for economic freedom while Venezuela ranks dead last. The most recent report finds that the nations in the top quartile of economic freedom had an average per capita GDP of \$36,000 in 2017, compared to \$6,000 for bottom quartile nations.

The poorest 10 percent of citizens in the most economically free nations actually have an income that is two-thirds higher than the average income in the least free nations. In the top quartile of economically free nations, 1.8 percent of the population experiences extreme poverty, compared to 27.2 percent in the least free nations.

If you want to cure poverty, unleash free enterprise.

The benefits of economic freedom do not just apply to wage and employment metrics. Life expectancy in the most economically free nations is 14 years longer than the least economically free nations, and infant mortality is significantly lower.

Medicare for All, is that what you are for? Because if you are for health, you should be for capitalism.

□ 1900

The report also finds that gender equality and political and civil liberties are much higher in nations with high economic freedom than in nations with low economic freedom.

The ill effects of socialism and their impact on the people subjected to it are evident in country after country. Venezuela is the example that I just gave, but there are other examples as well.

We probably don't have time to go through all of these examples, but I do want to just say that it was Winston Churchill who famously said: "Those who fail to learn from history are condemned to repeat it."

That is why, as we debate the merits of capitalism versus socialism in our political discourse today, it is important that we remember history, that we look to past actions of other countries and study their results.

I wanted to get to three case examples—the United Kingdom, India, and Israel—to show their experience with socialism and how disastrous it was for their people, and, when they changed course and they embraced capitalism and freedom, the prosperity that it delivered. We will get to that on another evening.

But suffice it to say that, when you have market-based incentives where you have, by and large, free trade, where you have low regulation, where you have less taxes, where you have people who are able to achieve their potential without undue interference from the government, where you have market forces, you produce more, you become more productive, and you provide for people who need assistance.

The U.S. economy today remains a shining example of how opportunity and ingenuity in a market-based economy with appropriately tailored regulation can drive prosperity for its citizens.

As we said before, unemployment is at a 50-year low. Why would we want to abandon free market economics at a time when the country is benefiting from it?

Industries from technology to energy, to manufacturing, to services, they are booming. We are the leaders in innovation. We have an economy that draws people from around the world who hope to make a better life for themselves.

I will return to the wisdom of Austrian-British economist F. A. Hayek when he said, in a famous warning, that political liberty is not enough: "Even a strong tradition of political liberty is no safeguard if the danger is precisely that new institutions and policies will gradually undermine and destroy that spirit. The consequences can of course be averted if that spirit reasserts itself in time and the people not only throw out the party which has been leading them further and further in the dangerous direction but also recognize the nature of the danger and resolutely change their course."

What that warning says, what he means by that warning is it may not come in the full-on proposal of socialism; it may come in incremental form. But we must abandon those parties that are leading us further and further down the road of serfdom in the dangerous direction away from freedom and more towards central planning, reject it and move back towards freedom.

Alexis de Tocqueville, when he observed early America, warned of the modern welfare state: In a nation that prides itself upon the idea that the people are sovereign, isn't it sad that the modern American left wishes to deprive the people of that very sovereignty—of that very self-government upon which this Nation was founded—and instead impose upon the people an insidious form of servitude to bureaucratic rules upon rules governing their every action and behavior, so much so until the will of the individual is shattered, constantly restrained from acting as he or she normally would in a free state, until the people are reduced to "a flock of timid and industrial animals, of which the government is the shepherd."

Mr. Speaker, I don't think any of us want to go down that road to serfdom. I don't think any of us want to stamp out the freedom and the self-government, the idea that we remain and must continue to be a government only through the consent of the governed.

Tonight, my colleagues and I are defending freedom, defending capitalism, defending free enterprise, defending entrepreneurship, and opposing, vigorously, the corrupt and immoral idea of socialism.

Mr. Speaker, we appeal to the good sense of the American people at this

time in our Nation's history. We appeal to the people that now is the time to reassert the spirit of liberty; to throw out the party of socialism and central planning, the party which is leading America further and further in a dangerous direction with policies like Medicare for All and the Green New Deal; to recognize the danger, and to resolutely change their course to embrace the cause of freedom and free enterprise.

And, Mr. Speaker, for anyone who knows any American who is tempted by the lies of socialism, I ask that they share with them this debate tonight, share with them the truth, share with them the truth that freedom and capitalism is the answer to democracy; it is the answer to upward mobility; it is the answer to poverty; it is the answer to soul-crushing deprivation and shortages, that the true way to care for those who are less fortunate is to give people opportunity and freedom to achieve their God-given potential.

Mr. Speaker, with that, we contend that we will continue this debate until we secure for our children and our posterity the blessings of liberty.

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

#### SOCIALISM IS ABOUT ABSOLUTE GOVERNMENT CONTROL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the Chair recognizes the gentleman from Wisconsin (Mr. GROTHMAN) for 30 minutes.

Mr. GROTHMAN. Mr. Speaker, I would like to talk a little bit about the border, which is probably the most important issue facing America today as we determine what kind of country we have 10 or 15 years down the road, but I am going to lead off by talking a little bit about the past topic of capitalism versus socialism, because I don't think a lot of people realize exactly what socialism is about.

Socialism is about absolute government control.

People who are socialists want everybody to have to work for the government. Because they control the means of production, they want to determine what we have the right to buy, and they want to determine what we have the ability to invest in.

Obviously, if you have to work for the government, which you have to in socialism, they can determine who gets hired, who gets promoted, what job you get. In other words, they will eventually use that absolute power that comes with being everybody's employer or everybody's regulator to promote you or hire you based upon your feelings, based upon your ideas.

Not long ago, I went to Berlin and I saw the StasiMuseum, where, in the wonderful socialist country of East Germany, the government kept track of how you thought—kind of the way they do in China today—how you thought and if maybe you didn't say

the right things. And maybe if the government becomes anti-Christian or doesn't like your other beliefs, they will miraculously fire you, you can't get the key job, you can't get promoted or whatever. That is why people who like to control lives more frequently become socialists.

You look at the red flags under socialism that existed in the 1930s, and you will see those red flags—at the time, red meant socialism—all were adapted by leaders who liked absolute control of their populations.

So, if anybody out there wants to vote socialism, what they are voting for is to get rid of their freedoms. They are saying: I turn my life over to the government. I want the government to tell me where I can work and what I can do when I am working. I want the government to tell me what I can buy.

And if anybody accumulates wealth, they are saying: I want the government to be able to tell me where I can invest.

That is the mindset of the socialist.

There are fears that someday America may go socialist. Actually, that shouldn't happen, because socialism is unconstitutional under the U.S. Constitution, and any academic who pushes socialism should be aware of that.

If you want to be, I guess it would amount to being a real serf. If you want to be a serf and have the government tell you where you have to work, tell you whether you can be promoted or not, tell you what you can invest in, and tell you what you can buy, you should go to another country, because the people who put together our Constitution, a goal was that we would never become anything like socialism.

#### IMMIGRATION

Mr. GROTHMAN. Mr. Speaker, now, let's talk a little bit about what was a major issue that used to be covered by the press, including the conservative press, before we started down the path to this impeachment, and that was the issue that was the primary reason why President Trump was elected: That issue is immigration and who we are going to let in this country.

I don't think it has been well publicized, but just yesterday, we got the information from Border Patrol that they processed 42,000 people trying to come in this country either under asylum or inappropriately during the month of November.

That is down from 45,000 in October, so I suppose you could say we are moving the ball in the right direction. It is down from 145,000 in May.

Of those 42,000, under 5,000 actually got to come in the country. The vast majority who were not let in immediately, thanks to the work of President Trump, are currently being held in Mexico pending hearings.

This is something President Trump has done without any help from the people in this body. He has done it by negotiating with Mexico and negotiating with the triangle countries in Central America. He has reached agree-

ments or is receiving help from Guatemala, from Honduras, from El Salvador, and from Mexico itself.

To a certain extent, through threat of tariffs, he has the Mexican Government patrolling its southern border—not doing that great a job, but they are patrolling their southern border.

He has Central American countries doing what they can to hold on to their current population and allowing countries from which people are seeking asylum to settle in their country, which only makes sense. If you wanted to leave Venezuela, you speak Spanish. It doesn't make any sense that you would come to an English-speaking country. It makes more sense, if you really feel threatened at home, to go to countries like Guatemala and El Salvador and Honduras and Mexico.

So these efforts by President Trump have dropped the number processed from 145,000 down to 42,000 and the number of people being let in our country from over 100,000 to under 5,000 a month.

But it is always possible we are going to have a court decision undoing some of the efforts of President Trump, and, God forbid, it is possible we might have an election and a future President may not agree with the efforts made by President Trump.

So what should this body be doing? We have to remind this body that, right now, we are only two of the 40 wealthiest countries on the globe to allow birthright citizenship.

If somebody went down to the border, it is obvious that women who are near having birth are coming into this country to have children, which would make their children U.S. citizens and would create a situation in which, as a practical matter, they would stay there with them.

We have a situation of chain migration in which people are coming here not because they are qualified to work here, but because they have relatives who are here, and we may be taking people who are not necessarily a good economic bargain for the United States.

We need more ICE beds for single adults to be held right now. It is very difficult for ICE to do their job without these beds. As we are working through appropriations bills, it is time to pass a bill with that in there.

We need more Border Patrol agents. Can you imagine what it is like at night doing the border patrol, finding 20 or 40 or 50 people coming across the border at once, and it is 2 o'clock in the morning and you are the one expected to bring people in? We have to respect our Border Patrol.

We have a huge problem that, under current law, we are encouraging separation of families, and that is not President Trump's fault. He would be happy to change it.

Right now, we have a law in which, if a child comes here from Canada or Mexico, they could be sent back, but children coming from Central America,

Africa, other places in Latin America, we have to let them in the country. That is a horrible thing.

We wouldn't like it if a 15-year-old child left the United States and wound up in Nicaragua or Honduras. We would expect them to be returned to their parents.

We are asking this body to pass a law allowing the United States to return single children to their parents and other countries. The other countries would like it.

It is very arrogant of the United States and arrogant of this body to continue the current system in which a child, unaccompanied by their parents, comes here and we have to keep them.

Right now, under the Flores settlement, we have to stop holding people after 20 days near the border, families with children. It is time that we statutorily change that and allow the holding of people for a longer period of time.

We have to do something with sanctuary cities. We have to do something so that, if people break the law and are being held in prisons and being held in jails, the Federal Government has the ability to remove these people from the country.

For whatever motivation, there are people in this country going down the path of having their city—and including people in this House encouraging cities—not ask people about immigration status and forbidding our immigration service from removing criminals from this country. That is another thing that we ought to be doing now.

□ 1915

Other things that President Trump is trying to do—but he needs a little bit of help here—we currently have illegals in low-income housing. I am not sure we need more low-income housing in this country, but a lot of people feel we do. Right now we have the rather bizarre situation in which people who are here illegally are sitting in low-income housing, while American citizens are on a waiting list, including people like homeless veterans.

I want to point out that President Trump and myself are not anti-immigrant to say this. It recently came to my attention that the number of immigrants sworn in in this country in the last year available is 830,000. Two years prior to that we were under 700,000.

So President Trump has presided over a dramatic increase in the number of people who are coming in this country legally, showing his compassion and understanding that we do need immigrants in this country.

However, it is time Congress stepped to the plate and did what was necessary to rein in out-of-control illegal immigration. So I encourage my colleagues not to forget about this crisis. I encourage the media, particularly the conservative media, not to take their eye off this ball, which will determine what the United States looks like 5 and 10 and 25 years from now.

I realize there are a lot of people who want the media to only focus on immigration, but we cannot forget what is going on in the immigration front.

I yield back the remainder of my time.

#### 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 16 minutes p.m.), the House stood in recess.

□ 2104

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MORELLE) at 9 o'clock and 4 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3, LOWER DRUG COSTS NOW ACT OF 2019; PROVIDING FOR CONSIDERATION OF H.R. 5038, FARM WORKFORCE MODERNIZATION ACT OF 2019; AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY S. 1790, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Ms. SHALALA, from the Committee on Rules, submitted a privileged report (Rept. No. 116-334) on the resolution (H. Res. 758) providing for consideration of the bill (H.R. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, and for other purposes; providing for consideration of the bill (H.R. 5038) to amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes; and providing for consideration of the conference report to accompany the bill (S. 1790) to authorize appropriations for fiscal year 2020 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, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADERHOLT (at the request of Mr. MCCARTHY) for December 9 and today on account of an illness.

#### ADJOURNMENT

Ms. SHALALA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 11, 2019, 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:

3241. A letter from the Secretary, Department of Agriculture, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

3242. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Bruce H. Lindsey, 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.

3243. A letter from the Assistant Secretary, Acquisition, Department of Defense, transmitting a letter stating that due to late Service certification memos from the Army, as required by Sec. 2430(d)(4)(A) of title 10, U.S.C. the September 2019 Selected Acquisition Reports have missed the deadline; to the Committee on Armed Services.

3244. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Removal of Transferred OTS Regulations Regarding Deposits (RIN: 3064-AF07) received December 4, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3245. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting the Department's report covering the period from July 11 to September 9, 2019 on the Authorization for Use of Military Force Against Iraq Resolution, pursuant to 50 U.S.C. 1541 note; Public Law 107-243, Sec. 4(a); (116 Stat. 1501) and 50 U.S.C. 1541 note; Public Law 102-1, Sec. 3 (as amended by Public Law 106-113, Sec. 1000(a)(7)); (113 Stat. 1501A-422); to the Committee on Foreign Affairs.

3246. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003, 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.

3247. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a report on Burma's Non-Compliance with the Chemical Weapons Convention, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

3248. A letter from the Deputy Assistant to the President, Director, White House Management and Administration, Acting Director, Office of Management, Executive Office of the President, transmitting the accounting of transactions from the Unanticipated Needs Account for fiscal year 2019, pursuant to 3 U.S.C. 108(b); Public Law 95-570, Sec. 2(a); (92 Stat. 2449); to the Committee on Oversight and Reform.

3249. A letter from the Senior Advisor, Office of the Secretary, Department of Health



and Human Services, transmitting a notification of a designation of acting officer and 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 Reform.

3250. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting two (2) notifications of a designation of acting officer and discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Reform.

3251. A letter from the Deputy Chief Financial Officer, Department of Transportation, transmitting the Department's Agency Financial Report for FY 2019, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049) and 31 U.S.C. 1115(b); Public Law 111-352, Sec. 3; (124 Stat. 3867); to the Committee on Oversight and Reform.

3252. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's FY 2019 Office of Inspector General Semiannual Report to Congress covering the period April 1, 2019 through, September 30, 2019; to the Committee on Oversight and Reform.

3253. A letter from the Associate General Counsel for General Law, Management Directorate, Department of Homeland Security, transmitting notification of a discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Reform.

3254. A letter from the Inspector General, Office of Inspector General, Department of Agriculture, transmitting the Department's Office of Inspector General's Five-Year Strategic Mission and Diversity and Inclusion Plan for Fiscal Years 2020-2024; to the Committee on Oversight and Reform.

3255. A letter from the Associate General Counsel for General Law, Office of Strategy, Policy, and Plans, Department of Homeland Security, transmitting a notification of an action on 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 Reform.

3256. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Inspector General's Semiannual Report to Congress, covering the period from April 1, 2019, through September 30, 2019; to the Committee on Oversight and Reform.

3257. A letter from the Acting Administrator, Small Business Administration, transmitting the Administration's Office of Inspector General's Semiannual Report to Congress covering the period April 1, 2019, through, September 30, 2019; to the Committee on Oversight and Reform.

3258. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the Commission's annual Performance and Accountability Report for FY 2019, pursuant to 31 U.S.C. 3515(a)(1); Public Law 101-576, Sec. 303(a)(1) (as amended by Public Law 107-289, Sec. 2(a)); (116 Stat. 2049); to the Committee on Oversight and Reform.

3259. A letter from the Associate General Counsel for General Law, U.S. Customs and Border Protection, transmitting three (3) notifications of a vacancy, a designation of acting officer, and a discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Reform.

3260. A letter from the Chair, United States Nuclear Waste Technical Review Board, transmitting the Board's Fiscal Year 2109 Agency Financial Report; to the Committee on Oversight and Reform.

3261. A letter from the Director, Office of Worker's Compensation Programs, Department of Labor, transmitting the Department's Annual Report to Congress on the FY 2016, FY 2017, and FY 2018 operations of the Office of Workers' Compensation Programs, pursuant to 30 U.S.C. 936(b); Public Law 91-173, Sec. 426(b) (as amended by Public Law 107-275, Sec. 2(b)(4)); (116 Stat. 1926) and 33 U.S.C. 942; Mar. 4, 1927, ch. 509, Sec. 42 (as amended by Public Law 104-66, Sec. 1102(b)(1)); (109 Stat. 722); to the Committee on the Judiciary.

3262. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Regulatory Capital Rule: Simplifications to the Capital Rule Pursuant to the Economic Growth and Regulatory Paperwork Reduction Act of 1996; Revised Effective Date (RIN: 3064-AF18) received December 4, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3263. A letter from the Secretary, Department of Transportation, transmitting a report titled The U.S. Department of Transportation's Status of Actions Addressing the Safety Issue Areas on the NTSB's Most Wanted List, pursuant to 49 U.S.C. 1135(e)(1); Public Law 103-272, Sec. 1(d) (as amended by Public Law 111-216, Sec. 202(b)); (124 Stat. 2351); to the Committee on Transportation and Infrastructure.

#### 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:

Ms. SHALALA: Committee on Rules. House Resolution 758. Resolution providing for consideration of the bill (H.R. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, and for other purposes; providing for consideration of the bill (H.R. 5038) to amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes; and providing for consideration of the conference report to accompany the bill (S. 1790) to authorize appropriations for fiscal year 2020 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 (Rept. 116-334). 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. LUCAS (for himself and Ms. JOHNSON of Texas):

H.R. 5374. A bill to establish and support advanced geothermal research and development programs at the Department of Energy, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GABBARD (for herself and Mr. CASE):

H.R. 5375. A bill to amend the Internal Revenue Code of 1986 to allow the energy credit for certain ocean thermal energy equipment; to the Committee on Ways and Means.

By Mr. GONZALEZ of Ohio (for himself, Ms. KUSTER of New Hampshire, Mr. RESCHENTHALER, and Mrs. MCBATH):

H.R. 5376. A bill to amend title 18, United States Code, to require a provider of a report to the CyberTipline related to online sexual exploitation of children to preserve the contents of such report for 180 days, and for other purposes; to the Committee on the Judiciary.

By Mr. SUOZZI (for himself, Mr. THOMPSON of California, Mr. PASCRELL, Mr. KING of New York, Mr. BEYER, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. JUDY CHU of California, Mr. DANNY K. DAVIS of Illinois, Mr. HIGGINS of New York, Mr. LARSON of Connecticut, Mr. PANETTA, Ms. SÁNCHEZ, Mr. SCHNEIDER, Mr. CASTEN of Illinois, Mr. CISNEROS, Mr. CORREA, Ms. CRAIG, Mr. ENGEL, Ms. ESHOO, Mr. KIM, Mr. LEVIN of California, Mrs. LOWEY, Mr. MALINOWSKI, Mr. MEEKS, Ms. MENG, Mr. MORELLE, Mr. NADLER, Mr. PHILLIPS, Ms. PORTER, Mr. RASKIN, Miss RICE of New York, Mr. ROSE of New York, Ms. SHERRILL, Mr. SIRES, Mr. TRONE, Ms. UNDERWOOD, Mrs. WATSON COLEMAN, Mr. COURTNEY, Mr. ESPAILLAT, and Mr. HARDER of California):

H.R. 5377. A bill to amend the Internal Revenue Code of 1986 to modify the limitation on deduction of State and local taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of Maryland (for himself, Mr. HOYER, and Mr. BACON):

H.R. 5378. A bill to extend the death gratuity and casualty assistance to survivors of certain deceased graduates of the Reserve Officers' Training Corps; to the Committee on Armed Services.

By Mr. CICILLINE:

H.R. 5379. A bill to reauthorize the United States Commission on International Religious Freedom, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRIST (for himself, Mr. BILL-RAKIS, and Mr. SOTO):

H.R. 5380. A bill to amend title II of the Social Security Act to require the Commissioner of Social Security to enter into agreements with States to share data related to individuals subject to guardianship, and for other purposes; to the Committee on Ways and Means.

By Mr. DESJARLAIS:

H.R. 5381. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the label of a drug to list the country of origin of each of the drug's active ingredients; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 5382. A bill to create a mechanism whereby insulin manufacturers may sell directly to consumers at current net prices; to the Committee on Energy and Commerce.

By Mr. GARCÍA of Illinois (for himself, Ms. JAYAPAL, Ms. BASS, Ms. PRESSLEY, Mr. GRIJALVA, Ms. VELÁZQUEZ, Ms. HAALAND, Ms. TLAIB, Ms. ESCOBAR, Ms. OMAR, Ms. GARCÍA of Texas, Mr. ESPAILLAT, Ms. OCASIO-CORTEZ, Ms. JUDY CHU of California,

Mr. DANNY K. DAVIS of Illinois, Ms. LEE of California, Mr. RUSH, Mr. BLUMENAUER, Mr. TAKANO, Mr. DIAZ-BALART, Mr. MCGOVERN, Ms. MENG, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Ms. WILSON of Florida, Mr. SERRANO, Ms. CLARKE of New York, Ms. NORTON, Mrs. WATSON COLEMAN, Mr. VARGAS, Mr. CÁRDENAS, Mr. BROWN of Maryland, Mr. JOHNSON of Georgia, Mr. CORREA, and Mr. MEEKS):

H.R. 5383. A bill to reform the process for enforcing the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Louisiana (for himself, Mr. HIGGINS of Louisiana, Mr. ABRAHAM, Mr. GRAVES of Louisiana, Mr. SCALISE, and Mr. RICHMOND):

H.R. 5384. A bill to designate the facility of the United States Postal Service located at 100 Crosby Street in Mansfield, Louisiana, as the "Dr. C.O. Simpkins, Sr., Post Office"; to the Committee on Oversight and Reform.

By Ms. KELLY of Illinois (for herself and Mr. SENSENBRENNER):

H.R. 5385. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to States and units of local government to deploy and implement gunfire detection and location technology, and for other purposes; to the Committee on the Judiciary.

By Mr. MCNERNEY (for himself and Mr. BUCSHON):

H.R. 5386. A bill to amend the Health Information Technology for Economic and Clinical Health Act to require consideration, in certain circumstances, of whether a covered entity or business associate has adequately demonstrated that it had recognized security practices, 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. SHERMAN:

H.R. 5387. A bill to require congressional approval for civilian nuclear cooperation under certain circumstances, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SLOTKIN (for herself, Ms. PRESSLEY, Ms. KUSTER of New Hampshire, and Ms. SPIER):

H.R. 5388. A bill to provide that the Secretary of Education may not issue or enforce certain rules that weaken the enforcement of the prohibition of sex discrimination applicable under title IX of the Education Amendments of 1972; to the Committee on Education and Labor.

By Mr. NADLER:

H. Res. 755. A resolution impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. KILMER (for himself, Mr. GRAVES of Georgia, Ms. LOFGREN, Mr. RODNEY DAVIS of Illinois, Mr. CLEAVER, Mr. WOODALL, Ms. DELBENE, Mrs. BROOKS of Indiana, Mr. POCAN, Mr. NEWHOUSE, Ms. SCANLON, and Mr. TIMMONS):

H. Res. 756. A resolution implementing the recommendations adopted by the Select Committee on the Modernization of Congress; to the Committee on House Administration, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H. Res. 757. A resolution calling for the resignation and disbarment of United States Attorney General William P. Barr, and for other purposes; to the Committee on the Judiciary.

By Mr. KEATING:

H. Res. 759. A resolution expressing that it is the sense of the House of Representatives that the Russian Federation interfered in the 2016 United States Presidential election and deliberately spread false information to implicate the Republic of Ukraine; to the Committee on Foreign Affairs, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## MEMORIALS

Under clause 3 of rule XII,

150. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution 577, condemning President Donald J. Trump's Migrant Protection Protocols denying entry to refugees at the Southern border and calling on him to immediately rescind this abhorrent policy that is placing vulnerable people at further risk of harm, and calling on the U.S. Congress to put an end to the Migrant Protection Protocols by defunding the program in its upcoming budget vote before the end of this calendar year; which was referred to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LUCAS:

H.R. 5374.

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

U.S. Constitution, Article I, Section 8, Clause 18:

"The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Ms. GABBARD:

H.R. 5375.

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

The United States Constitution including Article I, Section 8.

By Mr. GONZALEZ of Ohio:

H.R. 5376.

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

Article I, Section 8 of the U.S. Constitution to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution."

By Mr. SUOZZI:

H.R. 5377.

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

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. BROWN of Maryland:

H.R. 5378.

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

Necessary and Proper Clause (Art. 1, Sec. 8, Cl. 18)

By Mr. CICILLINE:

H.R. 5379.

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

Article 1, section 8

By Mr. CRIST:

H.R. 5380.

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

Article I, Section 8

By Mr. DESJARLAIS:

H.R. 5381.

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

Article 1, Section 8 of the United States Constitution

By Mr. FORTENBERRY:

H.R. 5382.

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

The constitutional authority for this bill is pursuant to Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. GARCIA of Illinois:

H.R. 5383.

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

Article I, Section 8 and 9

By Mr. JOHNSON of Louisiana:

H.R. 5384.

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

Article I, Section 8 of the U.S. Constitution.

By Ms. KELLY of Illinois:

H.R. 5385.

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

Article 1 Section 8

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. MCNERNEY:

H.R. 5386.

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

Article I, Section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. SHERMAN:

H.R. 5387.

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

Article I, Section 8 of the U.S. Constitution

By Ms. SLOTKIN:

H.R. 5388.

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

Article I, Section 8 of the Constitution, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof"

## ADDITIONAL SPONSORS

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

H.R. 19: Mr. BACON, Mr. HARRIS, Mr. DUNCAN, Mr. BOST, Mr. BARR, Mr. WEBSTER of Florida, Mr. BYRNE, Mr. MOOLENAAR, Mr. WOMACK, Ms. GRANGER, Mr. MEUSER, Mr. ROGERS of Kentucky, Mr. DUNN, Mr. KATKO,

Mr. SMUCKER, Mr. KING of New York, and Mr. SPANO.

H.R. 230: Mr. LYNCH.

H.R. 372: Mr. COSTA.

H.R. 571: Mr. WILSON of South Carolina.

H.R. 584: Ms. SCHAKOWSKY.

H.R. 587: Ms. HERRERA BEUTLER, Mr. ADERHOLT, Mr. TIPTON, Mr. HORSFORD, and Mr. KEATING.

H.R. 660: Mr. GOTTHEIMER.

H.R. 816: Mr. TURNER.

H.R. 837: Mr. COMER.

H.R. 838: Ms. KENDRA S. HORN of Oklahoma, Mr. LOUDERMILK, Mr. KIND, and Mrs. WAGNER.

H.R. 906: Mr. HILL of Arkansas, Mr. BANKS, Mr. SHIMKUS, Mr. HOLLINGSWORTH, and Mr. CHABOT.

H.R. 913: Mr. KEATING.

H.R. 961: Ms. SPANBERGER.

H.R. 991: Mr. COLE.

H.R. 997: Mr. LAMALFA.

H.R. 1011: Mr. SUOZZI.

H.R. 1013: Mr. SUOZZI.

H.R. 1042: Mr. GARCÍA of Illinois and Mr. PALLONE.

H.R. 1140: Mr. DESAULNIER, Ms. STEVENS, Mr. MCKINLEY, Mr. CISNEROS, and Mr. JOHNSON of Georgia.

H.R. 1161: Mr. SCHNEIDER.

H.R. 1173: Mr. CUELLAR, Mr. WRIGHT, and Mr. CASTRO of Texas.

H.R. 1185: Ms. PLASKETT.

H.R. 1195: Mr. CISNEROS and Mr. PHILLIPS.

H.R. 1367: Mr. NORCROSS, Mr. CUELLAR, Ms. BONAMICI, Mrs. HAYES, Mr. RYAN, and Mr. COHEN.

H.R. 1370: Ms. SPANBERGER.

H.R. 1379: Mr. CASTEN of Illinois and Mr. HIMES.

H.R. 1380: Mr. LAWSON of Florida.

H.R. 1479: Mr. VAN DREW.

H.R. 1488: Ms. NORTON.

H.R. 1493: Mr. GOTTHEIMER.

H.R. 1531: Mr. GOTTHEIMER.

H.R. 1570: Mr. MURPHY of North Carolina.

H.R. 1597: Mr. LEVIN of California, Ms. DAVIDS of Kansas, and Mr. CASTEN of Illinois.

H.R. 1605: Mr. WALTZ.

H.R. 1611: Mr. VAN DREW.

H.R. 1643: Mr. LAWSON of Florida.

H.R. 1730: Mr. THOMPSON of Pennsylvania and Mr. PAPPAS.

H.R. 1762: Mr. MEEKS and Mr. HASTINGS.

H.R. 1840: Mr. SMITH of Nebraska.

H.R. 1878: Mr. JOYCE of Ohio.

H.R. 1978: Mr. NADLER, Mr. VARGAS, and Mr. LAWSON of Florida.

H.R. 2074: Mr. KIND.

H.R. 2079: Mr. DAVID P. ROE of Tennessee.

H.R. 2167: Mr. FITZPATRICK.

H.R. 2168: Mr. SMITH of Washington.

H.R. 2214: Ms. CRAIG.

H.R. 2261: Mr. HASTINGS.

H.R. 2463: Ms. SCHAKOWSKY and Mr. PAPPAS.

H.R. 2466: Mr. SARBANES and Mr. ALLRED.

H.R. 2501: Mr. BISHOP of Georgia.

H.R. 2733: Mr. SIMPSON.

H.R. 2747: Ms. PORTER.

H.R. 2836: Ms. BROWNLEY of California.

H.R. 2850: Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, and Ms. BROWNLEY of California.

H.R. 2867: Mr. LYNCH.

H.R. 2953: Mr. VAN DREW and Mr. RUTHERFORD.

H.R. 2986: Mr. KEATING.

H.R. 3068: Mr. NEGUSE and Ms. Velázquez.

H.R. 3114: Mr. CARSON of Indiana.

H.R. 3121: Mr. COHEN.

H.R. 3214: Ms. BROWNLEY of California.

H.R. 3218: Mrs. LESKO.

H.R. 3248: Ms. SHERRILL.

H.R. 3328: Ms. JOHNSON of Texas.

H.R. 3414: Mr. SARBANES, Ms. BLUNT ROCH-ESTER, and Mr. MCGOVERN.

H.R. 3446: Mr. SMITH of Washington, Mr. GOTTHEIMER, and Ms. SPANBERGER.

H.R. 3489: Mrs. HAYES.

H.R. 3522: Mr. BRINDISI.

H.R. 3570: Mr. MCNERNEY.

H.R. 3644: Mr. GOTTHEIMER.

H.R. 3762: Mr. NORCROSS, Mr. VELA, Mr. GOODEN, Ms. LEE of California, Mr. FOSTER, and Mr. COX of California.

H.R. 3775: Mr. KENNEDY.

H.R. 3794: Mr. KIND and Mr. KHANNA.

H.R. 3799: Ms. SHALALA.

H.R. 3879: Mr. RASKIN and Ms. TORRES SMALL of New Mexico.

H.R. 3911: Mr. KILMER.

H.R. 3937: Mr. HECK.

H.R. 3957: Ms. BLUNT ROCHESTER.

H.R. 4056: Mr. GOTTHEIMER.

H.R. 4084: Mr. HILL of Arkansas.

H.R. 4086: Mr. BARR.

H.R. 4092: Mr. RUTHERFORD.

H.R. 4113: Mr. VAN DREW.

H.R. 4180: Mr. SMITH of Missouri.

H.R. 4189: Mr. ROGERS of Kentucky and Mr. PAYNE.

H.R. 4229: Mr. GROTHMAN.

H.R. 4236: Ms. SHERRILL.

H.R. 4265: Mr. LOWENTHAL.

H.R. 4283: Mr. HOLLINGSWORTH.

H.R. 4326: Mr. DIAZ-BALART and Mr. BISHOP of Georgia.

H.R. 4341: Mr. SIRES.

H.R. 4399: Mr. STEIL and Mr. HUDSON.

H.R. 4436: Ms. GARCIA of Texas.

H.R. 4438: Mr. FOSTER.

H.R. 4482: Mr. CASE.

H.R. 4691: Mr. LOWENTHAL.

H.R. 4811: Mr. MOONEY of West Virginia.

H.R. 4820: Ms. KENDRA S. HORN of Oklahoma.

H.R. 4864: Mr. TRONE, Mr. CUELLAR, and Ms. BASS.

H.R. 4881: Mr. SOTO.

H.R. 4892: Mr. GUEST.

H.R. 4907: Ms. SPANBERGER and Mr. LIPINSKI.

H.R. 4913: Mr. RUSH, Ms. MATSUI, and Mr. RUIZ.

H.R. 4919: Ms. SLOTKIN and Mr. SMITH of Nebraska.

H.R. 4945: Mrs. NAPOLITANO.

H.R. 4953: Mr. SMITH of Nebraska.

H.R. 4968: Mr. LEVIN of California.

H.R. 4980: Mr. POSEY.

H.R. 4996: Ms. NORTON.

H.R. 5041: Mrs. DEMINGS, Mr. EVANS, Ms. FUDGE, Mr. DAVID SCOTT of Georgia, Ms. CLARKE of New York, Mrs. LAWRENCE, Mr. CARSON of Indiana, Ms. NORTON, Mr. YOUNG, Ms. ESCOBAR, Mr. CÁRDENAS, Mr. RICHMOND, Mr. NORCROSS, Ms. LOFGREN, Mr. RASKIN, Ms. JACKSON LEE, Mr. COHEN, Mr. SARBANES, and Ms. KELLY of Illinois.

H.R. 5050: Ms. LOFGREN, Mr. BLUMENAUER, Mr. SHERMAN, and Mr. POCAN.

H.R. 5068: Mr. COSTA.

H.R. 5092: Mr. BRINDISI.

H.R. 5117: Mr. WITTMAN, Mr. BUDD, and Mr. GALLEGOS.

H.R. 5141: Mr. VISCLOSKEY and Ms. STEVENS.

H.R. 5151: Mr. VARGAS.

H.R. 5173: Ms. JOHNSON of Texas and Mr. BYRNE.

H.R. 5175: Mr. GRAVES of Louisiana.

H.R. 5200: Ms. BLUNT ROCHESTER.

H.R. 5213: Mr. FITZPATRICK.

H.R. 5224: Mr. BAIRD and Mr. BALDERSON.

H.R. 5231: Ms. BROWNLEY of California, Mr. HUFFMAN, and Mr. GARAMENDI.

H.R. 5234: Ms. DAVIDS of Kansas.

H.R. 5248: Mr. ESPAILLAT.

H.R. 5255: Mr. DESAULNIER.

H.R. 5259: Mr. SOTO.

H.R. 5260: Mr. KILMER.

H.R. 5266: Mr. CASE.

H.R. 5289: Mr. JOHNSON of Louisiana.

H.R. 5297: Mr. BIGGS.

H.R. 5306: Mr. PASCRELL, Mrs. MURPHY of Florida, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. KILDEE.

H.R. 5342: Mr. ROSE of New York.

H.R. 5346: Mr. ESPAILLAT, Mr. VARGAS, Ms. ESCOBAR, and Ms. VELÁZQUEZ.

H.R. 5349: Mr. ENGEL, Ms. KAPTUR, Ms. NORTON, Mr. BUTTERFIELD, Mr. POCAN, and Ms. KUSTER of New Hampshire.

H.R. 5354: Ms. HAALAND.

H.R. 5363: Mr. DOGGETT, Mr. CÁRDENAS, and Mr. ESPAILLAT.

H.R. 5372: Mr. KILMER.

H. Con. Res. 52: Ms. WILSON of Florida and Mr. LANGEVIN.

H. Res. 33: Ms. PLASKETT.

H. Res. 69: Mr. COSTA.

H. Res. 189: Mr. BRINDISI.

H. Res. 374: Mr. BIGGS and Mr. VAN DREW.

H. Res. 400: Mr. CICILLINE and Mr. RASKIN.

H. Res. 452: Mr. BERA and Mrs. TRAHAN.

H. Res. 641: Mr. VARGAS and Mr. LUJÁN.

H. Res. 678: Mr. MOONEY of West Virginia.

H. Res. 686: Ms. SPANBERGER.

H. Res. 698: Ms. NORTON.

H. Res. 720: Ms. NORTON.

H. Res. 752: Mr. MCCAUL and Mr. ENGEL.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

69. The SPEAKER presented a petition of Mr. Gregory D. Watson, a citizen of Austin, TX, relative to a resolution requesting that Congress enact legislation which would prohibit a potential employer from asking an employment applicant to disclose in advance what salary that applicant expects to receive if hired; which was referred to the Committee on Education and Labor.

70. Also, a petition of the City Council of Honolulu, HI, relative to Resolution No. 19-209, urging the President of the United States, the United States Congress, and the United States Citizenship and Immigration Services of the Department of Homeland Security to retain the Filipino World War II Veterans Parole Program; which was referred to the Committee on the Judiciary.

71. Also, a petition of the City Council of Honolulu, HI, relative to Resolution No. 19-262, supporting the United Nations treaty on the prohibition of nuclear weapons and welcoming the Golden Rule Peace Boat to Hawaii; which was referred jointly to the Committees on Foreign Affairs and Armed Services.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, FIRST SESSION

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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, the center of our joy, bless our lawmakers with the peace and wisdom needed to lead in our challenging world. Give them eyes to discern and understand the intricate complexity of this turbulent season. Lord, guide our Senators to the right paths. Lead them beside still waters. Restore their souls. Let them lack nothing, for You can keep them whole. Overflow their cups with gentleness, care, and understanding for the people they represent. Let them fear no evil and take courage in adversity, for You continue to lead them with Your all-knowing right hand.

We pray in Your everlasting 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. GRASSLEY).

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, December 10, 2019.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

CHUCK GRASSLEY,

President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SENATE LEGISLATIVE AGENDA

Mr. MCCONNELL. Madam President, as we enter the final weeks of 2019, two things seem to be true here in Congress. No. 1, our Democratic colleagues, particularly over in the House, seem eager to pour the vast majority of their time and energy into their 3-year-long journey to impeach the President the American people elected. As a consequence, No. 2, Congress has yet to fulfill a number of its core governing responsibilities for this year.

At this late date, several crucial, must-pass bills remain undone. For months, my fellow Republicans and I have been stressing the need for productive, bipartisan cooperation on these pressing subjects: funding for the Federal Government, Defense appropriations—the money for our troops—and the National Defense Authorization Act. Yet, for months, our calls for the Democrats to join us in serious negotiations have gone largely unanswered as the Democratic leadership has opted for a different political playbook—to obsess over impeachment and obstruct this core business that we must do every year.

Earlier this year, the House Democrats pushed through what we believe was their first purely party-line NDAA that either Chamber has ever passed in the 58-year history of the legislation. This is the legislation that puts forward Congress's priorities for equipping, training, and maintaining the greatest fighting forces in the world. It has never been used before as a purely partisan weapon—that is, not until this year. Reassuringly, the past few days have finally brought an end to bipartisan talks and produced a compromise NDAA. The end result should be able to pass both Chambers and earn the President's signature. Believe me, it will not come a moment too soon.

The NDAA authorizes resources to keep crucial military installations—like Fort Campbell, Fort Knox, and the Blue Grass Army Depot in Kentucky—running smoothly. It is similarly important to facilities in many of our colleagues' home States as well. Nationally, of course, it directs readiness efforts, prioritizes research and development programs, and enacts vital reforms at the Pentagon.

I look forward to sending the final, bipartisan product by the conference committee to the President for his signature soon. In addition to that authorizing legislation, Congress, of course, needs to actually appropriate funds for our national defense and for all other functions of our Federal Government.

Just a few months ago, when leaders on both sides put their names to a bipartisan-bicameral roadmap for the appropriations process, it looked as though we might keep partisan disputes out of this process and finish up the appropriations with time to spare. Unfortunately, our Democratic colleagues decided that picking fights with the White House was a higher priority, and we spent the autumn being mired in disputes over exactly the kinds of poison pills and Presidential authorities the Speaker and the Democratic leader had previously promised

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



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would be off limits. Yet, as we speak, Chairman SHELBY and appropriators in both Chambers are trying to bring months of near stalemate to a close. Last month, a bipartisan-bicameral agreement was reached on subcommittee allocations, and talks continue this week on outstanding issues.

Thanks to the months of delay, we have a long way to go and a very short time in which to do it. I hope that our Democratic colleagues can finally stick to the terms of the budget agreement and keep partisan policy fights out of this process. That is the only way both Chambers will have a chance of being able to vote on funding bills before the end of this year.

That brings us to the USMCA. For the better part of the past year, President Trump's landmark agreement to update North American trade policy has been languishing as Speaker PELOSI and the House Democrats have indulged further and further in impeachment. There are 176,000 new Americans jobs that have sat waiting on ice as the Speaker has offered lukewarm assurances month after month that her caucus is hoping to be "on a path to yes." This week, at long last, it appears that the House Democrats may finally be willing to take action for American workers and job creators and let the House vote on the President's deal. I was pleased to hear that U.S. negotiators, led by Robert Lighthizer, were to head to Mexico today to finalize the details on this important win for the American economy. I hope this forward momentum continues.

So that is the state of play. There is a lot left to do for the American families we represent if our Democratic colleagues will simply allow it, and it will certainly take a great deal of cooperation and consent right here in the Senate if we intend to consider and pass these measures before the end of the year.

Obstruction and stalemate have brought us to the eleventh hour. I hope that, now that we are here, both Chambers will be able to set aside the Democrats' impeachment parade long enough to get the people's business finally finished.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Patrick J. Bumatay, of California, to be United States Circuit Judge for the Ninth Circuit.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### INSPECTOR GENERAL REPORT

Mr. SCHUMER. Madam President, for years, President Trump has speculated wildly about a "deep state" conspiracy against his Presidency based on the claim that the FBI opened an investigation into the President's campaign with political bias, with the explicit purpose that they were out to get him.

Yesterday, the Department of Justice inspector general released a report that puts this conspiracy theory to bed. The report conclusively debunks the baseless conspiracy that the investigation into Mr. Trump's campaign and its ties to Russia originated with political bias. In fact, the report quotes the FBI Deputy General Counsel as saying that "the FBI would have been derelict in our responsibility had we not opened the case."

Let me repeat that from the No. 2 counsel at the FBI. "The FBI would have been derelict in our responsibility had we not opened the case."

Donald Trump commits so many wrongs, and when people call him on it, he blames somebody and comes up with a conspiracy. And the most amazing thing is that not just his appointees but these Senators in this Chamber—almost too many of them—just echo those crazy theories designed to divert us from the truth.

The inspector general of the Department of Justice, Michael Horowitz, has been praised for years by Members on both sides of the aisle for his integrity and for his fairness. There is no reason to doubt the report's conclusion. He has never been accused of bias before.

Attorney General Barr and LINDSEY GRAHAM praised Mr. Horowitz, but all of a sudden, they are casting aspersions on him and his report. Only political actors doubt this report—political actors like Attorney General Barr and now, it seems, as well, his handpicked Federal prosecutor, John Durham.

Attorney General Barr has all too often acted on behalf of the President's interests rather than as a neutral law enforcement officer. He almost seems a hatchet man on a political campaign rather than an Attorney General—an august position—following the rule of law and trying to shield that office from politics whenever possible. Instead, Barr loves to jump into the political pool of muck.

I was skeptical when Mr. Barr appointed John Durham simply because

Attorney General Barr had picked him. He does almost nothing in these sensitive areas that are not political. But you had some hope. Durham, some said, had a good reputation. Well, yesterday, Durham's statement confirmed our suspicions that he is not a nonpolitical actor. No prosecutor worth his salt would release a political statement like he did while conducting an investigation. Because of issuing that statement, Durham has lost a great deal of credibility even before he issues his report. No one who is thinking of these things down the middle is going to think Durham is a dispassionate, nonpolitical observer because he has already shown himself to be, in a certain sense, a henchman of Mr. Barr and his political activities.

To emphasize the broad acceptance of the IG report, FBI Director Wray, appointed by President Trump, embraced the report.

When Director Wray asked whether he thought the FBI targeted the Trump campaign, he said I do not. And for that, not surprising, but still rather, again, low, shallow, and disgusting, President Trump lashed out this morning at the FBI Director, saying, "I do not know what the current Director of the FBI was reading, but it wasn't the one given to me."

President Trump, if you actually read the report, you would understand exactly what FBI Director Wray was talking about, and you would understand exactly why it was his duty to defend his department when they behave on a nonpolitical rule of law basis.

My friends, it is a sad state of affairs when truth tellers have no place in Trump's Washington. Anyone inside the Trump administration willing to speak truth to power—Secretary Mattis, DNI Director Coats, even Chief of Staff Kelly towards the end, and so many others—cannot survive the President's insistence on blind loyalty, cannot survive the fact that the President makes them tell lies and mistruths to continue to serve him.

If you do not act in febrile obeisance to President Trump, he will turn on you, so this quality of people in this administration is getting lower and lower and lower. Top-notch people and the ability to govern and make smart decisions and the ability to care about the truth often go hand in hand, but if you care about the truth, you are out, and so Trump loses quality people in his administration. And the only people who survive are willing to bow down to Donald, who will do just what he wants and says, even when they know it is false.

And that is why this administration is so erratic, so disjointed, so ineffective, and, at this time, so unpopular with the majority of the American people. The American people know that Mattis is a fine man. They know that Wray is a fine man. They know that they are the kind of people that, if Trump says tell a lie, they won't. But,

unfortunately, the people in this administration who remain are willing to do just that. And that said, as I said, it is a very sad state of affairs and one of the reasons this administration has such a difficult relationship with the truth.

The President conjures fictions, buys into baseless conspiracy theories told by known buyers on FOX News or somewhere else, and then anyone who contradicts him earns his scorn. Contradict him enough, if you are in the administration, you lose your job.

Now, more worry. Amazingly, this afternoon, the President and Secretary of State Pompeo will meet in secret with Russian Foreign Minister Sergei Lavrov. It shows a blinding disregard with what is going on in Congress and the world right now. Russian intelligence has been pushing the baseless theory that Ukraine interfered in the 2016 elections, not just Putin, as a way to divide the West and defend Putin.

Certain Republican Senators have stunningly repeated that falsehood around these corridors, and now, President Trump and Secretary of State Pompeo are meeting with the Russian Foreign Minister in secret. What new conspiracies are they cooking up with Lavrov today? I worry. The President has been so unable to articulate a defense of the facts uncovered in the House impeachment inquiry that he has resorted to one conspiracy after the next to explain his conduct. His allies, including Members of the Senate Republican Caucus, have elevated several of these theories.

Here in the Senate, certain members of the Grand Old Party are forming their own conspiracy caucus. Any crazy conspiracy, whether launched by Putin or some wild-eyed crazy conspiracy theorist, who manages, of course, all the time to get on FOX News and have his story or her story repeated, it is something that my colleagues just repeat even though it is clear they are false, and they know they are false.

ANGUS KING had a great op-ed last week in USA Today, which I commend to every one of my colleagues. It basically said, if what the impeachment proceeding has found is false, then where are the Trump people to refute it? Not to come up with some irrelevant conspiracy theory and bring this one and that one into it that has nothing to do with it, but actually refute the facts, where is that?

President Trump has not refuted a single fact that the impeachment inquiry has found. None of his people have been willing to come forward who would have knowledge to refute those facts if those facts were false. And so they try to create a shiny object, a diversion, and, unfortunately, too many of the news media on the right will spend time on that diversion and repeat Trump's claim that the actual facts are false.

This is the beginning of the end of the democracy, when we can't have

truth—we can disagree on the outcome of those facts, but we can't have truth of the fact—and everything is fake news, particularly those from the right who don't like the truth. When conspiracy theories that have no basis in fact govern, our democracy is at risk. It is one of the main reasons I think so many Americans believe, whatever their ideology, that President Trump should not be President.

The conspiracy theories are not harmless. They are sinister. They are insidious. They erode the democratic fabric of this country. They erode our fidelity of truth which is at the basis of democracy, and they help Putin sow discord in our country. Conspiracies need to stop. If the White House would like to submit evidence or offer witnesses to make the President's case, please do so. They haven't done it once. Instead, the White House is blocking documents and withholding witnesses who could potentially defend the President's action, a surefire sign, as ANGUS KING said in his op-ed, that the President has something to hide.

Given that the House announced it would write two Articles of Impeachment this morning, the White House's refusal to rebut the evidence under oath is something not lost on the Members of the U.S. Senate who could soon be judges and jurors in a Senate trial.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Madam President, on another happier subject, over the weekend, negotiations on the annual defense bill concluded. There are lots of things missing in that bill, things that should have been included but were blocked by the Republican majority in the Senate. But there is one very good thing, among a few others. I am proud that the bill will now provide all Federal employees with 12 weeks of paid parental leave, something Democrats have pursued for a long time.

Once the NDAA is passed—hopefully in the coming week—1 million Federal employees will no longer have to choose between caring for a newborn and putting food on the table. This is huge, huge news. It will make the lives of millions of families better if you have a newborn baby that needs care, he or she. I just had a grandson who turned 1. I know just exactly what it is like. If both mom and dad work or it is a single-parent family, what is that family going to do?

It is one of the nerve-racking decisions that impedes on the joy of the new birth. Well, in many other countries, there is something called paid family leave where you can take off 3 months and raise the child in those early days when he or she is helpless. In the United States, some private companies are progressively doing it, but not enough. Well, now all Federal employees will get that opportunity with parental leave. It recognizes the changes in the world.

When I was growing up, my mom stayed at home while my dad went to work, who was an exterminator. That

is not the norm anymore. Most families have two working parents, and we have lots of single parents who bear the load of raising a family. All it takes is one serious illness, complication, or accident to wreak financial havoc on that family.

It is no surprise that paid family leave ranks near the top of voters' concerns. The United States is the only developed nation in the world that does not guarantee paid leave for parents of newborns or newly adopted. I hope that, after we pass parental leave for Federal employees, employees in the private sector will take notice and they will act as well. If this spreads throughout America, as often Federal policies do, it will be a great thing for our parents and our children.

Today, only 16 percent of workers in the private sector have access to paid leave. Studies overwhelmingly show that, when working parents can take care of their families without the fear of losing jobs, families are better off, and the economy is better off as well. So I am glad that the long push we have made on this side of the aisle for parental leave has been secured for all family workers. I hope it will become a reality soon for all workers, and I want to thank my colleagues who helped make this a reality.

#### NET NEUTRALITY

Madam President, on net neutrality, this Saturday marks the second anniversary of the FCC's party-line decision to repeal the net neutrality rules. To restore the safeguards of a free and open net that those rules protected, today my colleagues Senators MARKEY, CANTWELL, and WYDEN will ask the Senate's consent to pass the Save the Internet Act, which codifies net neutrality in a similar manner to last year's Congressional Review Act, which passed the Senate with strong bipartisan support.

I thank those Senators and so many others for their leadership on this important and sometimes overlooked issue. Net neutrality is based on a very simple idea, that the internet, just like our phones, our highways, our power sources, is a public good that all Americans should have access to without discrimination, whether you are a big company or a startup, a rural school or an individual consumer just like water companies can't discriminate if they come to their customers and say, oh, I am going to charge you \$10 for a day's use of water, but I am going to charge your neighbor down the street \$100. That would be unfair. We would not allow it. The same thing should be true with the internet.

Under the Obama administration, net neutrality rules prevented moneyed groups from getting preferential treatment. We should return to it. The administration has, unfortunately, sided with big special interests and repealed it. Senator MARKEY's legislation would restore the rules of the world that protect a free and open internet.

I thank my colleagues for bringing this to the Senate's attention today.



I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. THUNE. Madam President, it should come as no surprise that I might have a different point of view than the Democrat leader when it comes to the issue of net neutrality. If you look at what has happened since the FCC ruled on this, there were all these terrible apocalyptic predictions that were made about how speeds were going to slow down, the internet was going to slow to a crawl, and you wouldn't be able to do basic applications anymore, none of which have happened.

Obviously, we all believe—I certainly do, and I think most of my colleagues on this side believe—that if you want to have an open and free internet, that is a good thing, and if there are concerns about blocking or throttling or slowing speeds in some way, the Congress should be heard from on that because what we have had now for several years is this ping-pong effect. When one party is in power, they change the rules to suit their desires, and then the other party comes to power and changes it. Then you have all this litigation that goes on in the courts, which doesn't help anybody. All that does is bog things down and generates a tremendous amount of cost, and nobody's interests are served by that.

So if there is a concern, and I have articulated this on many occasions to my colleagues on the other side, to work with us on a legislative solution where Congress can step in and put clear rules of the road in place when it comes to the internet—making sure we have an open and free internet—we are prepared to do that, but that is not something the Democrats have been interested in doing.

They would rather have this heavy hand of government that slows this innovation down, all these wonderful things that are happening in our economy right now—the race to 5G, which obviously is critically important to so many sectors of our economy—could be dramatically impeded if you had the heavy hand of government, the heavy hand of regulation, which has been advocated by our colleagues on the Democratic side for some time, if that became the norm.

When President Trump was elected, and Chairman Pai was made Chairman of the FCC, and we had a Republican FCC which did away with the heavy-handed regulations of the previous administration, we heard all these apocalyptic predictions coming from the Democrats about all of the horrible things that were going to happen to the internet. I can tell you that my experience, I think, is like most Americans. I can continue to download applications. I can continue to scroll and to see the things I want to see and to toggle back and forth between different websites in a way that I did before. It just flat hasn't happened. So they are trying to come up with a solution for a problem that does not exist.

That said, we would be happy to work with them. We want to put clear rules of the road in place, but that is not what they want. They want the heavy hand of government and the heavy hand of regulation strangling what has been one of the most remarkable economic miracles of the last half century, if you look at what the internet has done in terms of productivity in this country.

#### APPROPRIATIONS

Madam President, I am very pleased to hear that a deal has been reached to finally advance the 2020 fiscal year National Defense Authorization Act.

Every year, Congress takes up the National Defense Authorization Act to authorize funding for our military and our national defense. Like last year's NDAA, this year's bill focuses on rebuilding our military and ensuring that we are prepared to meet 21st century threats.

While many take it for granted that we have the strongest military in the world, in recent years, our military advantage over near-peer adversaries has eroded. Budgetary impasses, combined with increased operational demands, left our military undermanned, under-equipped, and ill-prepared for the conflicts of the 21st century.

In November of 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power like Russia or China, and the Commission noted that we would be especially vulnerable if we were ever called on to fight a war on two fronts. That is not a good position to be in. Restoring our readiness has been and must continue to be our top priority.

This year's National Defense Authorization Act continues our efforts to rebuild our military. It invests in the planes, the combat vehicles, and the ships of the future, including the Joint Strike Fighter and the future B-21 bomber, which will be based at Ellsworth Air Force Base in my home State of South Dakota. It authorizes funding for research and development and advanced technology. It also focuses on ensuring that we are equipped to meet new threats on new fronts, including in the space and cyber domains. Of course, this bill invests in our most valuable resource—our men and women in uniform.

The National Defense Authorization Act authorizes a 3.1-percent pay increase for our troops, which is the largest increase in a decade. This is not only something our troops have earned, it is also an important way to increase retention in an All-Volunteer Force.

This year's National Defense Authorization Act also focuses on addressing the recent significant health and safety issues with private on-base housing. It contains measures to support military spouses seeking employment and increased access to childcare on military installations.

I am glad we are finally on track to get this important legislation done. The final bill, of course, like most legislation, is not perfect, but it will help ensure that our military receives the resources it needs to meet current threats and to prepare for the threats of the future.

I am also encouraged by the fact that it looks like Democrats have decided to work with us to get fiscal year 2020 Defense appropriations passed before Christmas.

Needless to say, the 2020 Defense appropriations bill, like the authorization bill which I just referenced, is critical legislation that authorizes the funding for current and future military priorities. It provides funding to support that pay increase for the men and women who keep us safe. It provides the funding for the weapons and equipment our troops need right now to carry out their missions, and it provides funding for the equipment and technology our military would need to defeat the threats of the future.

It provides funding for missile defense, for research and development, for ships, for planes, and for combat vehicles to update our aging fleets. It also provides funding for our allies, including \$250 million in military assistance for Ukraine. This is a critical national security bill, and it needs to be enacted as soon as possible.

It is unfortunate that we couldn't get this legislation done sooner, before the start of the new fiscal year in October. Delaying defense funding has left our military short of the resources it needs and unable to start important new projects. So I am glad that, at long last, the Democrats are finally willing to work with us on this important legislation. It is time to get this bill done so we can get our men and women in uniform the resources they need without further delay, as well as uphold our national security commitments to our friends and to our allies.

I hope negotiations will continue to move forward and that we can get this legislation to the President's desk within the next 2 weeks, before the Christmas holiday.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

#### WYOMING WOMEN'S SUFFRAGE DAY

Mr. BARRASSO. Mr. President, I come to the floor as we celebrate today, in Wyoming, the 150th anniversary of Wyoming's women's right to vote—150 years. Before we even became a State, women were voting in Wyoming. Today, at our State capital building in Cheyenne, there is a huge celebration of people from around the

State and around the country celebrating this historic day.

Many people watching today may not know the history of what happened 150 years ago. Yesterday afternoon, Senator ENZI spoke on the Senate floor and outlined some of that history. I am so proud of my home State's amazing record in advancing this entire issue and concern and allowance of women's voting.

Women in Wyoming were the first in the Nation to use the right to vote. That is a fact. Wyoming women have been voting for 150 years. On December 10, 1869, Wyoming took a giant leap forward for women's equality. We are called the Equality State. This is a lot of the reason why.

Wyoming Governor Mark Gordon, in a ceremony this morning at our State capital in Cheyenne, is proclaiming today Wyoming Women's Suffrage Day. Wyoming is the first place in the country to pass a law securing women's right to vote, as well as the right not just to vote but to hold public office.

The people of Wyoming spoke loud and clear 150 years ago today. We stood with women 50 years ahead of the rest of the Nation. Wyoming was a territory back then. Our State had not yet joined the Union. That didn't happen until 1890. Still, that is when we earned the proud name of the Equality State.

Wyoming earned far more than the name. By leading the fight for women's rights, Wyoming has forever earned a hallowed place in the books of history. Nobody embodies that legacy more than Wyoming's Louisa Ann Swain. On September 6, 1870, Louisa Swain of Laramie, WY, became the first woman in the United States to vote in the general election. By casting her historic ballot, she claimed a great victory for women everywhere.

It is a tremendous heritage that we celebrate today. Wyoming truly is the Nation's trailblazer for women's equality. In fact, "Equal Rights" is our State motto.

On November 19, the Senate unanimously passed the Wyoming Women's Suffrage Day resolution. Senator ENZI and I cosponsored the resolution to commemorate today's 150th anniversary. Now the entire Nation can join in celebrating Wyoming's groundbreaking law.

Then, 20 years after the law's passage, Wyoming refused to enter the Union as a State unless we had equal voting rights, men and women. There was a big fight about it in Wyoming and in the Nation's Capital. When standing on principle became a major sticking point, Wyoming stuck to its guns on women's equality and actually ended up delaying becoming a State over this very issue.

On March 26 of 1890, Wyoming statehood legislation narrowly passed the U.S. House of Representatives. The measure passed the Senate a few months later, but part of the debate on the floor of the House of Representatives had to do with Wyoming women

actually voting in our then territory and now State.

President Benjamin Harrison signed Wyoming's statehood into law on July 10, 1890, upholding women's rights. Wyoming was technically the 44th State to enter the Union, but Wyoming really is the first State when it comes to women's equality. Wyoming put women first even before statehood.

Back home, 2019 is the "Year of Wyoming Women." Our State is paying tribute to our strong women leaders. We had the great honor of electing the first woman Governor, Wyoming's 14th Governor, Nellie Tayloe Ross. Wyoming boasts many more female firsts. These include the first woman to serve on a jury and the first female justice of the peace, Esther Hobart Morris. Wyoming also claims the first all-female city government. These pioneering women leaders were elected in 1920 in Jackson, WY. The Jackson press dubbed them "the petticoat government." So we celebrate 150 years of equal rights in Wyoming and 100 years for women nationwide.

In 1919, Congress passed the 19th Amendment to the Constitution, granting women's suffrage. This hard-fought legislative victory would ensure women's full participation in our democracy.

To mark this 100th anniversary, President Trump recently signed into law the Women's Suffrage Centennial Commemorative Coin Act. I had the privilege of cosponsoring this legislation that was introduced by Senator MARSHA BLACKBURN from Tennessee. The bill passed unanimously in the Senate. I made sure that Wyoming's Esther Hobart Morris was among the suffragettes honored in this legislation.

All Americans owe an enormous debt of gratitude to the Nation's extraordinary women leaders of the past, the present, and today as we pause to remember where it all started 150 years ago in the trailblazing State of Wyoming, the Equality State.

#### HEALTHCARE

Mr. President, now I would like to turn to a different topic. I come to the floor today as the Democrats in the House and in the Senate are obsessed with obstruction because they are obsessed over impeachment and are obstructing everything else.

We have only a week left to fund the government, to pass "America First" trade deals, and to support our military. Still, there is another priority issue that we need to address. We must provide relief, in my opinion, from costly ObamaCare taxes. There are several of those that are impacting our citizens around the country.

Last week, the Centers for Medicaid and Medicare released a report on healthcare spending. The report finds that health insurance costs grew in 2018 by a larger number than they had the year before.

Why does CMS believe that the rates of insurance actually have gone up additionally? Well, it is because of a couple of taxes.

One is the health insurance tax, or the HIT tax. It is in the Obama healthcare law. It is an unfair tax that has increased insurance premiums for small business owners and for seniors. That is why I have been a longtime opponent of this health insurance tax. Democrats need to help us get rid of the tax. They need to end it.

The second ObamaCare tax we must repeal is the so-called Cadillac health plan tax. The Cadillac tax affects millions of Americans who are covered through work, especially union workers. On December 5, a broad group of unions and employers wrote the Senate leaders urging a repeal.

This is what they said. The union leaders and supporters urged the repeal, and this is what they wrote to the Senate leaders:

The consequences of inaction are serious. Many millions of working Americans will pay more out of pocket . . . or face reduced health coverage.

We need to end this Cadillac tax now.

The third tax we need to repeal is the medical device tax. Really, it is a tax on innovation. The medical device tax is going to restrict patients' access to new lifesaving technologies.

Without congressional action, the health insurance tax and the medical device tax are going to take effect again in 2020 and the Cadillac tax in 2022. It is time to repeal these punishing taxes. We need to do this to protect patients and working families all across the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AGRICULTURE

Mr. GARDNER. Mr. President, I come before the Senate today to recognize a historic milestone in the Colorado agricultural community. The Colorado farm bureau is celebrating 100 years of representing farmers, ranchers, rural communities, and every aspect of agriculture in Colorado.

I grew up in the Eastern Plains, the very heart of agriculture. In fact, the county I grew up in is one of the largest corn-producing counties in the country and, certainly, economically speaking, one of the top agricultural communities in the State.

Our livelihood, our neighbors—everything—depend on agriculture. In fact, when there is a downturn in agriculture, it is not just the next day that our community feels that. It is that next hour that the community feels the impact. It is the same with a good agriculture economy. It is not just tomorrow that we will feel the impact, but immediately we will feel the impact.

I grew up working in a family farm equipment dealership where you got to

know everybody in the community, not because of the kind of operation they had but because of the kind of person they were, the kind of relationships you built, and then, of course, the opportunities to do business in those communities.

There are ebbs and flows, good times and bad times, times of prosperity and times of difficult predicaments in rural America, in agriculture. In the 1980s, I grew up watching one of the hardest times agriculture faced—watching a number of banks face foreclosures, a number of farmers face foreclosures. I watched as people I knew my whole life sold their farms, gave up farming, and closed their businesses.

It wasn't that long ago—in fact, just a few years ago—that we saw some of the highest priced commodities this country had ever seen for a very long time. The golden years of agriculture occurred just a couple of years ago because of all-time high prices. That is not the situation we are facing today.

Once you have worked in the agriculture industry, I think you develop a very deep understanding and appreciation for the men and women who have our farmers' backs through the good times and the bad times, like the Colorado Farm Bureau. The Farm Bureau plays a vital role in the wellbeing of all aspects of agriculture. It gives rural communities a prominent voice when the government is debating policies that impact their farms, their finances, and their families.

The Colorado Farm Bureau began in 1919, when a group of farmers, ranchers, veterinarians, rural doctors, shopkeepers, and tradesmen in 10 local counties met to form what was termed a "Farm Bureau." Their goal was to make the business of farming more profitable and the community a better place to live. The organization struggled through the years and almost died out in the 1930s.

In the late 1930s and early 1940s, a group of people across Colorado organized to breathe new life into that Farm Bureau in Colorado. Ezra Alishouse, C.J. Phillips, Arthur Andersen, and others sold memberships to rebuild the organization.

As a group of farmers naturally would, the Farm Bureau persisted and grew. They grew the Farm Bureau to become the largest farm organization in the State of Colorado and expanded the support they provided to ag communities throughout the State.

In the 1940s, farmers and ranchers were having a difficult time insuring their operations. So the Colorado Farm Bureau created a farm insurance casualty company. They began offering farm insurance in 1948. Later in the 1950s, they began offering life insurance for those in the agriculture community.

Today, the Colorado Farm Bureau represents 23,000 member families, 45 local county Farm Bureaus, and is one of the largest farmer-led organizations in the State of Colorado. The Colorado

Farm Bureau has a simple mission: to promote and protect the future of agriculture and rural values.

They show people the agriculture industry up close, why it is important to all of us, and the success of our rural communities.

The Farm Bureau offers leadership training for young professionals, scholarships, college programs, health and safety trainings, helpful resources to farmers, and support when it is needed the most. Through the Colorado Farm Bureau Foundation, the Farm Bureau has raised hundreds of thousands of dollars to support victims of natural disasters in Colorado, whether that is a drought or whether that is severe blizzards.

They represent, improve, and promote all aspects of agriculture in Colorado and have helped to develop the industry into the economic powerhouse it is and one of the strongest drivers of Colorado's economy.

Every year I have been honored to join the Colorado Farm Bureau and have the Colorado Farm Bureau join me on our annual farm tour. That is a tradition I first started when I came to the House of Representatives. Every fall we would go to the Eastern Plains of Colorado and the Western Slope of Colorado and talk to everyone from peach growers in Palisade to corn growers in Kiowa and beyond, and we had opportunities to learn how we can help every nook and cranny of the State when it comes to agriculture.

This year, we have traveled to 15 different counties across Colorado, visiting family farms, ranches, and agricultural businesses. We held roundtables with locally elected officials. We went to a wind farm and talked about the impact that renewable energy is having in positive aspects for our farmers and ranchers.

This farm tour wouldn't be possible without the Farm Bureau and the others who helped put it together and make sure we see these important issues that we are facing. In the past, we have turned to them for their expertise in policy, their insights, experience, and their partnerships as we champion efforts that will help and benefit rural Colorado. They have been a great partner in providing agricultural producers with the resources and certainty they need to protect private property rights, to protect our waterways, to ensure that farmers are treated fairly in the Tax Code, and, recently, in helping to relocate the headquarters of the Bureau of Land Management to Grand Junction.

The Farm Bureau is a regular presence in Washington. I think all of us know that. Colorado Farm Bureau members have played an important role in developing policy. They are not afraid to get their hands dirty and of the hard work it takes to get good legislation passed.

The Colorado Farm Bureau takes on difficult issues and has a real impact on people's lives. Their dedicated work

and their willingness to take on difficult issues has also earned them national recognition. In 2005, the Colorado Farm Bureau was recognized by the Department of the Interior in Washington for their work at the Colorado Department of Natural Resources to protect the mountain plover.

This created a win-win partnership that the government and the private sector could work in together to preemptively protect the species without listing it on the Endangered Species Act.

The Colorado Farm Bureau was instrumental in opening up 300,000 acres of land for data collection and research on the mountain plover's nesting and population status. Through that effort, they were able to avoid listing, develop better management practices, and help to grow the mountain plover population.

I look forward to continuing to hear from Colorado Farm Bureau members and farmers and ranchers across our State, as this Chamber—this body—debates new trade opportunities, new agricultural policies, and anything that could impact farmers back home.

Their contributions will be especially valuable as we continue to open up new markets for Colorado producers, invest in rural communities, and manage our public lands.

Last month, the Senate passed a resolution I introduced with my colleague, Senator BENNET, celebrating this historic 100th anniversary, recognizing all of the Colorado Farm Bureau's past, present, and future efforts to promote and advocate farm and ranch interests.

I ask my colleagues in the Senate to join me today in celebrating the Colorado Farm Bureau's rich history and contributions to the ag industry, not just in Colorado but across the United States. Congratulations to the Colorado Farm Bureau for your 100 years of being a strong voice for farmers, ranchers, and our rural communities in the "Centennial State" and for all your work to protect the Colorado way of life. I look forward to continuing our work together with the Farm Bureau in seeing what we can accomplish for the next 100 years of agriculture in Colorado.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Montana.

**NOMINATION OF LAWRENCE VANDYKE**

**MR. TESTER.** Mr. President, it is no secret that the Senate doesn't do much around here, except for confirming judges. But looking at the records of the folks we are confirming to the Federal bench, it is clear we have forgotten even how to do that.

The Founding Fathers were incredibly visionary. When they set up the Federal judiciary, they hoped to insulate it from political influence. How? By giving them lifetime appointments, with the advice and consent of the Senate. In doing so, they gave the Senators the most solemn of responsibilities we have in this body: evaluating

judicial nominees on their independence, their fairness, their temperament, and their judgment.

Unfortunately, these days, the Republican majority seems to have thrown qualifications out the window. Instead, they give out lifetime appointments to the court like candy. This doesn't prevent partisanship from influencing our judicial system; it ensures partisanship. The latest example is Lawrence VanDyke's nomination to the Ninth Circuit Court of Appeals, which has jurisdiction over Montana.

Mr. VanDyke is a familiar face to Montanans because he grew up and attended school in the great State of Montana. He also served as Montana's solicitor general before resigning to run an unsuccessful race for the State supreme court.

Montanans can separate the wheat from the chaff pretty well, and after examining his record and judgment, they found Mr. VanDyke unqualified to serve on the State's highest court. Montanans rejected him overwhelmingly at the ballot box, but now the majority leader wants to give him a lifetime seat on the bench.

Once you start to dig into Mr. VanDyke's extreme record, it is not hard to see why folks in my State were concerned about his ability to be fair and independent. This is a man who believes a government should insert itself between a woman and her doctor when she is trying to make private healthcare decisions. This is a man who, as Montana's solicitor general, worked to oppose same-sex marriage and questioned the ability of same-sex partners to properly raise children. This is a man who supports opening our public lands to mining and drilling.

By the way, our public lands contribute more than \$7 billion to our economy. Nonetheless, open it up, drill it, and mine it. And this is a man who ridiculed Montana's deep belief that corporations are not people. He argued in favor of unchecked money flowing into our elections. He believed that corporations were people and, in fact, his race for supreme court in Montana received over \$600,000 in outside spending—\$170,000 from the Koch brothers alone.

My guess is that some of my friends on the other side of the aisle view Mr. VanDyke's extreme positions as an asset, not an issue. They may point to the fact that he claimed he would be objective during his confirmation hearing.

The fact is, we cannot trust Mr. VanDyke to put aside his past positions and give everyone who comes before his court a fair shake, to be fair and impartial.

Mr. VanDyke has never been a judge, and he was rated as "not qualified" by the nonpartisan, nonpolitical American Bar Association.

By the way, this isn't the first nominee who has come up who has been rated as "not qualified." I asked a lawyer friend of mine what that means,

and he said, basically, if you can't achieve a "qualified" rating by the American Bar Association, you are a train wreck. That is what Mr. VanDyke is.

His nomination is opposed by over 200 conservation, education, civil rights, and other organizations. He is also opposed by six former Montana Supreme Court justices, folks that Montanans did elect to sit on the highest court in our State. They wrote of Mr. VanDyke:

It is doubtful that he understands that judicial decisions must be based solely on the facts of the case and on the law. . . . We strongly believe that Mr. VanDyke has demonstrated that he has neither the qualifications nor the temperament to serve as a federal court of appeals judge.

His coworkers from his time as Montana's solicitor general seem to agree. A former assistant attorney general who worked with VanDyke wrote privately to his colleagues:

Ever since he has arrived, Mr. VanDyke has been arrogant and disrespectful to others, both in and outside of this office. He avoids work. He does not have the skills to perform, nor desire to learn how to perform, the work of a lawyer. Now that he has resigned—

That was when he resigned to run for the supreme court—

and refuses to work on cases assigned to him, while remaining on the payroll for the next several months.

In fact, even Mr. VanDyke doesn't consider himself qualified to perform the basic duties of a lawyer. He once explained in an email that he has no experience in discovery, experts, stipulations, or in meeting and conferring with opposing counsel.

I am no lawyer, but those sound like the tasks that someone up for a lifetime judicial appointment should know how to do.

Let me put it this way. If I were looking for a contractor to do work on my farm and the contractor had these kinds of qualifications, I would not hire him for 1 minute, much less give him a job for a lifetime.

I spend more time in Washington, DC, than I would like, which is how I know there is no shortage of lawyers around here and around the country. There is absolutely no reason that we can't find someone better suited to this position than Lawrence VanDyke.

I know it is too much to hope that the Senate will act with as much common sense as the folks in Montana do, but I do expect us to have the decency to respect the will of Montana voters and reject Mr. VanDyke for a seat on the Ninth Circuit Court of Appeals.

I urge my colleagues to take a look at the record, to take a look at what he has done, to know it will not be a fair and impartial court if he is put on it, and I urge my colleagues to oppose his nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OVER-THE-COUNTER MONOGRAPH SAFETY, INNOVATION, AND REFORM ACT

Mrs. MURRAY. Mr. President, last week, when I joined my colleagues to recognize Senator ISAKSON, I mentioned that when Johnny says he is going to get something done, you know it will get done. The bill we are getting ready to pass today in a few hours, the Over-the-Counter Monograph Safety, Innovation, and Reform Act, which he has worked on with Senator CASEY, proves it once again.

Every day, people head to their local pharmacy or retail store for over-the-counter medications to deal with a cough or a sore throat or a stomach ache. Every day, parents across the country turn to the medicine cabinet after someone comes home with a scrape or a bug bite or poison ivy. Every day, there are countless other health concerns people look to treat quickly, safely, and effectively with over-the-counter drugs. That is why this legislation is so important.

The pace of scientific discovery seems to speed up every day, but the over-the-counter monograph system—the system for how these drugs are regulated and brought to market—has not kept pace. The current system has not changed, actually, since 1972, and it sorely needs to. Right now, even after the science has made clear that small changes to the monograph, or recipe, for an over-the-counter drug might make it safer or more effective, it can take years for those changes to be approved under the current outdated process. Even small changes to a drug label, including changes regarding important new safety information, can be held up for years.

The Over-the-Counter Monograph Safety, Innovation, and Reform Act takes long-needed steps to address this problem and streamline the way over-the-counter drugs are regulated and brought to market. These changes will allow the Food and Drug Administration to do more to protect public health and make sure over-the-counter drugs, ingredients, and labels reflect the latest science. It will also encourage the development of new products to better meet the needs of patients. The legislation allows the FDA to collect user fees for reviewing over-the-counter drugs to make sure it has the resources it needs to do this important job.

Many families rely on over-the-counter drugs each day for a lot of different reasons. It is very important that these medications and the labels we turn to for information about them are safe, that they are effective, and

that they are as up-to-date with the latest science as possible. Thanks to the efforts of Senator ISAKSON and Senator CASEY, this bill we will vote on this afternoon will help accomplish that by updating the over-the-counter monograph system for the first time in decades. I know how important this bill has been to Senator ISAKSON and how he has worked so hard on it for many years. I want to tell him how grateful I am. I want him to know that I am particularly grateful for his commitment to getting this done for families back in Georgia and across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

UNANIMOUS CONSENT REQUEST—S. 682

Mr. MARKEY. Mr. President, today I rise in defense of net neutrality. This week marks the 2-year anniversary of the Trump FCC's wrongheaded decision to repeal net neutrality.

First, let's be clear about what we are discussing today. Net neutrality is just another way of saying nondiscrimination. That is what it is all about. It is just another way of saying that big companies online can't discriminate against individual consumers; that large companies can't discriminate against smaller companies and startups; that corporations can't stifle speech online; that once you pay your monthly internet service bill, you can go anywhere you want on the internet without Charter or Comcast or AT&T or Verizon slowing down or blocking your path to a website of your choosing.

Despite all this, 2 years ago this week, the Trump Federal Communications Commission voted to throw out net neutrality at the behest of the broadband barons. Since then, we have watched as countless citizens, companies, and activists have continued to stand up and demand that net neutrality be restored.

This spring, the House of Representatives took an important step in passing the Save the Internet Act. My legislation in the Senate would overturn the Trump administration FCC's decision and restore net neutrality protections. In the Senate, we have already successfully passed the same proposal on a bipartisan basis.

In April of 2018, my Congressional Review Act resolution passed in the Senate by a bipartisan vote of 52 to 47. We debated net neutrality, and the Senate decided to join the majority of Americans and support a free and open internet. In that vote, we sent a message to President Trump about what it means to have an internet free of corporate control and open to all who want to communicate, engage, and innovate. We made clear that this Congress won't fall for President Trump's special interest agenda that just wants to block, slow down, or discriminate against content online just to charge Americans more on their cable and internet bills.

Unfortunately, the rules for a Congressional Review Act that allow just 30 Senators to force the majority to schedule a vote is not an option in this Congress because the right to bring a Congressional Review Act resolution to the floor has a time limit on it, which has now expired. So, instead, today we once again call for an immediate vote on the Save the Internet Act.

Already, in June, our Republican colleagues failed to listen to the voices of their constituents and blocked a vote from happening. Sadly, the Republicans plan to stonewall us again and to block this vote. This is yet another example of the Republican Party refusing to side with the ordinary people in our country—families, small businesses, startups, entrepreneurs, anyone with an idea who needs the internet to get it off the ground.

Under Senator MCCONNELL's leadership, the Republicans have buried this bill in their legislative graveyard. Instead of passing legislation, instead of acting on legislation which already passed in the Senate in 2018 and which passed the House of Representatives this April, Leader MCCONNELL has done little but confirm unqualified, extreme-right nominees for the Trump administration.

Just listen to some of the bills that Senate Republicans refuse to act on that have already moved through the House of Representatives this year: the Violence Against Women's Act, voting and democracy reform, gun background checks, paycheck fairness, and the Paris climate agreement. The answer from the Republican leadership is no, no, no, no. That is what continues to happen. Net neutrality is part of that chorus of "noes" that the Republicans aim at legislation the American people want and need to have passed here in the Senate.

But the Senate majority leader and his Republican colleagues can keep populating the legislative graveyard at their political peril because this is the agenda the American people want to see the Senate debating. They want to see these laws put on the books to protect families in this country. The issues they are blocking are enormously popular, and most have bipartisan support. Net neutrality is one of those issues.

The Save the Internet Act—the bill we are debating today—does exactly what the American people want. It restores the rules that ensure families aren't subjected to higher prices, slower internet speeds, and even blocked websites because the big internet providers want to pump up their profits. That is what today's fight is all about. It is a fight for innovation; for entrepreneurialism; for the American economy; a fight for free speech, which is the cornerstone of our democracy; and a fight for the most powerful platform for commerce and communications in the history of the planet.

Some will argue that since the Trump FCC ripped away the net neu-

trality rules, everything has been just fine, but we are not falling for that. As the legal challenges over this issue have taken place over the last 2 years, internet providers have had every incentive to keep a low profile, to keep things as they were. But ultimately, the question before the Senate today is whether consumers trust their internet companies to do the right thing without being told they have to. We know that consumers rightfully don't trust the broadband barons.

It is time we do the right thing for the American people. We can start with passing the Save the Internet Act and protecting the internet as we know it. The American people want action now. The Democrats are committed to fighting on their behalf. Net neutrality just stands for nondiscrimination online. You can't be biased against a smaller voice, a smaller company, a startup; it is not allowed. That is what net neutrality says to all the big broadband giants—you cannot discriminate. Net neutrality is something that is at the heart of what the 21st century should stand for in this internet age.

I urge my colleagues to support this motion.

I yield to the great leader of the State of Washington, Senator CANTWELL.

Ms. CANTWELL. Mr. President, I rise today to join my colleague from Massachusetts, who has been a leader on this important issue of net neutrality. I want to speak and back up what he said today about why it is so important and that we need to fight to protect a free and open internet, before I do, I would just like to mention that yesterday we filed a bill dealing with trade enforcement.

The reason I bring that up is because today there is going to be a lot of discussion about trade writ large. It is very important that in the trade discussion, we also have trade enforcement. Much of what we filed yesterday is what we hope to see in an agreement that is now being unveiled, and this builds on capacity building, which is very important. We want to make sure we have the enforcement capabilities at USTR and now the capacity and enforcement in Mexico to make these agreements work in the future. I look forward to discussing that with my colleagues.

I am really here to talk about how 2 years ago, the Trump administration, basically, with the FCC at the helm, repealed net neutrality and put Big Cable in charge of our internet future. Despite 83 percent of all Americans and a majority of Independents, Democrats, and Republicans supporting a free and open internet—that means making sure they weren't charged excessive rates—the FCC chose to side with cable companies.

Not long after, Verizon throttled the broadband service of Santa Clara firefighters in California when they were in the midst of fighting the massive Mendocino Complex Fire in 2018. Despite firefighters' urgent pleas to stop

the throttling, Verizon refused to do so.

For those who don't understand what throttling is, we are always concerned that without rules of the road, companies would slow down some access to internet sites. This is so important because we don't want an internet that is based on how much you pay for faster broadband access.

We think that to slow down important sites like public service sites or any sites or to base an internet on how much you pay is the wrong direction. More importantly, we need to make sure we are policing this. Even today, as we have no Federal agency with clear authority to adopt hard and fast rules to keep that situation from happening again, we need to keep fighting.

Another example is that wireless carriers have been accused of potentially throttling subscribers to Netflix, YouTube, and Sprint and allegedly interfering with Skype services. Again, that is another example of why we have to keep our message about a free and open internet no matter where we look, where we live, or where we are accessing the internet.

It is long past time for the Senate to vote on the Save the Internet Act—something on which our colleague from Massachusetts has been a leader.

Our bill would restore the protections for a free and open internet that were had by the Obama FCC in 2015, which would mean no blocking, throttling, or paid prioritization would be allowed. The FCC would have the flexible legal standards by which to address concerns that would arise from these big cable companies' threats to a free and open internet.

Again, I thank the Senator from Massachusetts for his leadership—persistent both in the House and the Senate—in stressing how important this is.

As my colleagues know, these issues are going to be very important in the future, not just with regard to privacy, which the Senator has also been a leader on—and I very much appreciate that the hometown newspaper wrote a glowing endorsement of the legislation he and I have just recently introduced on privacy—but in understanding that in the information age, you have to give consumers rights, that you have to give them the right to privacy, and that you have to give them the right to a free and open internet that is not controlled in speed and that is not controlled by one's saying, If you pay us more, we will give you access. This is going to be a key communication tool for the 21st century, and it needs to be open.

I thank my colleague for raising this important issue, and I will continue to work with him and our other colleagues to make it the law of the land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, our ranking member on the Committee on Commerce, Science, and Transpor-

tation has always framed the issue of net neutrality and consumer rights appropriately.

I am going to speak for just a few minutes. Then, on behalf of our side—on behalf of the Democratic caucus—Senator MARKEY, our friend from Massachusetts, will propound a unanimous consent request. I note that the chairman of the committee is here, and we will have a bit of discussion.

Let me give a bit of history on this.

Senator MARKEY introduced the first net neutrality bill as a Member of the other Chamber, and I introduced the first net neutrality bill in the U.S. Senate. Right out of the gate, I think it is important for people to understand what this issue is all about. Real net neutrality empowers consumers. After they pay their internet access fees, they get to go where they want, when they want, and how they want. What Ajit Pai and Donald Trump want is something very different. They want an internet policy that lets Big Cable get what it wants, when Big Cable wants it, and how Big Cable wants it. That is the difference here.

Who is in the driver's seat?

Senator MARKEY, Senator CANTWELL, and I say that this is what the beauty of the internet has always been about, which is really simple. The consumer is in the driver's seat. We don't have an information aristocracy with lanes and all kinds of favoritism for the powerful and the influential. It is where the student, the small business, and the person without power and clout gets the same fair shake as everybody else.

What we have said is we want to keep the consumer in the driver's seat, and Mr. Pai and Donald Trump want a different notion of internet freedom. What they really want to say is that internet freedom is Big Cable freedom. That is their idea about how we ought to approach the internet. At the end of the day, if the policy here is about letting Big Cable rig the internet in favor of those who can afford to pay more and shake down everybody else, people will have a choice to do that, but that is not the choice Senator MARKEY and I are going to make.

Cable companies are already tricking people into buying so-called unlimited service plans that limit their service. People have uncovered the way they have throttled service for particular users, including for first responders in times of emergency. Megamergers that involve telecom and entertainment companies also limit competition and threaten to balkanize the internet.

We are talking about fracturing the internet into small bundles that cost big money. That is the vision the cable companies have—not net neutrality—by which you head in a direction whereby consumers pay a lot more for entertainment and information and small businesses scratch their heads and ask: How in the world am I going to compete with the big guys online? Fortunately, the courts recently said the Trump administration can't overrule States on net neutrality.

I look forward to being in my home State of Oregon in a couple of days and having town meetings. What I like the most is when people speak up on issues like fairness and net neutrality, and I am going to hear about it this weekend. Other States have policies like Oregon's as well.

Here in Congress, on this side of the aisle—and you will see it when Senator MARKEY offers his proposal in a moment—we are going to keep up the fight to protect consumers from Ajit Pai and the Trump FCC. We still have that vision of the original internet that Senator MARKEY and I talked about when he offered the first proposal in the House and I offered the first proposal in the Senate. What could be more simple than putting the consumer in the driver's seat? You can say where you want to go, when you want, and how you want. Now we are talking today—years later—about the cable companies being able to say they are going to decide those very issues.

I am very pleased—and I think it is very appropriate—that after years of leadership on this issue in both the other body and in the U.S. Senate that Senator MARKEY is going to speak for our caucus on this issue and call for the Senate to pass his legislation so as to have a truly free and open internet for the entire country.

If you don't get the Markey proposal, what you are going to see are big cable companies that will, bit by bit, little by little, keep ratcheting up the cost of internet access. By the way, their strategy is to do that little by little because they are hoping nobody will ever complain and that nobody will notice. Senator MARKEY and I and our caucus have figured out that the cable companies are trying to disguise price hikes and data limits in the end by flashing discounts on bundles of content. What the cable people are talking about is a bad deal for consumers, and it is a bad deal because Ajit Pai and Donald Trump want to put Big Cable profits over the interests of the typical American.

With my full support, I appreciate Senator MARKEY's offering this legislation today. In going forward, we are going to be working with him to keep up this fight, and I look forward to the discussion.

I notice that my colleague from the end of the alphabet and my friend, the chairman of the committee, is here, and we will have a little back-and-forth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I agree with every word Senator WYDEN has just spoken on the Senate floor, and I thank him for his leadership in going back to 2006, which was when we first introduced into the U.S. Congress legislation on net neutrality. We did it then because it was important, and we are doing it today because it is critically important.



The question is really whether the internet is going to be free and open or whether it is going to have the principles of nondiscrimination. Smaller voices, smaller companies, startup companies, and individuals in our society must be protected on the internet in the future. That is what net neutrality is all about.

We are on the right side of history on this issue. Every day that goes by further instructs us as to how central the internet is in our country and on the planet. Ultimately, it has to be open, and it has to be free. It cannot have nondiscrimination built into it because a small handful of huge companies decide they have a right to discriminate.

I thank the Senator from Oregon, and I thank our leader on the Committee on Commerce, Science, and Transportation, Senator CANTWELL of Washington State, for their great leadership on this issue.

Mr. President, as in legislative session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 682; further, that the Senate proceed to its immediate consideration, the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. WICKER. Mr. President, in reserving the right to object, let me disagree fundamentally with my friends on the other side of the aisle about who is on the right side of history.

I would simply offer to my distinguished colleagues and to other Members of the body that we need only to look at what has happened during the past 2 years under the Ajit Pai-Donald Trump FCC and compare it to what happened to the internet under the approach being advocated by my colleagues today.

In 2015, President Obama's FCC ordered the imposition of title II regulations to the internet. They called this net neutrality. Basically, what it amounted to was a Big Government, Depression-era set of regulations that gave bureaucrats control over virtually every aspect of the internet. They implemented this in 2015, and investment decreased dramatically during the next 2 years. This was the first time in the history of the internet that broadband investment decreased outside of the time of a recession. It was bad for the internet, bad for the public, and bad for small businesses and startups. I wonder if it is from this that the Save the Internet Act would save us. If they want to save us from innovation and growth, then perhaps the Save the Internet Act would get the job done, for we had no growth during that time and less innovation.

Two years ago, the new FCC came in and did away with some of these Big Government, Depression-era regula-

tions that scared off investment, particularly the Depression-era title II regulation, as if the internet were going to be governed like a utility company from the 1930s and 1940s. It did away with them.

Since that time—in the 2 years of America's operating under what my friends would end with this legislation—more Americans have been connected to the internet than ever before. We have faster internet speeds than ever before. Now, in States like my home State of Mississippi and all across the great heartland of America, more rural Americans get more internet at faster speeds.

We have two choices today—the one from 4 years ago that led to less growth and a recession in the growth of the internet or the one from the past 2 years, whereby we have been better off than ever before.

I will agree with my colleagues in one respect. We should have no discrimination online, and we don't have discrimination online today. There are no lanes, as my friends on the other side of the aisle have said. There is no favoritism in what we are doing. We just have prosperity and huge growth in the internet.

If my friends on the other side of the aisle want to join us in enacting a permanent statute so we don't go back and forth between a regime of Democratic-controlled FCCs and Republican-controlled FCCs, if they would like to help us in that regard, statutorily place nondiscrimination online in the law, free and open internet in the law outside of the regulation of something that we have imposed on another part of our economy half a century ago, then I hope they will join in the bipartisan effort that Senator SINEMA and I are participating in—the Senate Net Neutrality Bipartisan Working Group. I would hope they would want to join us in that regard.

We can make the statute better, but I would certainly offer to my colleagues the facts, and the facts are that the past 2 years have been a time of great growth of the internet. The previous 2 years, under depression-era rules, were a time of dramatically decreased investment.

For that reason, I do object to the unanimous consent request offered by the distinguished Senator from Massachusetts.

The PRESIDING OFFICER (Mr. CRUZ). Objection is heard.

The Senator from Massachusetts.

Mr. MARKEY. Mr. President, what we just heard from the majority is, in fact, a false narrative that contends that we have to choose between broadband deployment and net neutrality, and if we don't put net neutrality back on the books, there will be internet fast and slow lanes. That is what is about to happen if we don't act out here on the Senate floor. Innovation will be stifled, consumers will have to pay higher prices, the internet will not be as we have known it in the past.

So I absolutely feel that what just happened is a disservice to consumers and innovators in our country; that they should be allowed to have net neutrality as their protection, and I think, again, that we are on the right side of history in propounding this legislation to be brought out here, and, ultimately, today history was not served well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I would simply say in response to my good friend from Massachusetts: Where are the fast and slow lanes? They may happen sometimes. We have been warned for 2 years this is going to happen. It hasn't happened.

What has happened is the greatest growth in the internet that we have seen, as opposed to the stifled growth we had during the 2 years of title II regulation under the Obama administration.

I want to work with them on non-discrimination online. Everyone wants a fair and open internet, but I think everyone also wants the great growth we have had over the past 2 years, and we can have it with a bipartisan bill like the one Senator SINEMA and I are working on and unlike the idea of putting us under depression-era rules.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

OVER-THE-COUNTER MONOGRAPH SAFETY, INNOVATION, AND REFORM ACT

Mr. ALEXANDER. Mr. President, every year, Americans make nearly 3 billion trips to the drugstore, pharmacies, convenience stores to pick up over-the-counter products such as allergy medicines, children's cough syrup, or simple pain medicines such as aspirin.

As the Senate Health, Education, Labor, and Pensions Committee was working on the 21st Century Cures Act in 2016, I asked Janet Woodcock, the Director of the Center for Drug Evaluation and Research at the Food and Drug Administration: Are there any changes that really need to be made in the FDA's law? This is a train—referring to the 21st century cures legislation—that is likely to get to the station. If you have something that really needs to be done for the benefit of American consumers that you haven't been able to get done, tell us what it is, and we will put it on the train.

Well, Ms. Woodcock, who has been at the FDA for a while, came back to me and said the over-the-counter monograph.

Now, what that means is these are the rules that govern how all drugs sold in pharmacies, other than prescription drugs, are approved—the allergy medicines, the cough syrups, the simple pain medicines. Those haven't been changed since the 1970s, nearly 50 years ago.

Today the Senate, after all that time, nearly a half century, will modernize these rules by passing legislation proposed by Senator ISAKSON and

Senator CASEY. It is called the Over-the-Counter Monograph Safety, Innovation and Reform Act.

I am sure it will get a big vote of approval, and like a lot of other very important things that are done in the Senate that are very, very difficult to do, it will look easy.

It hasn't been easy. It has taken a long time—nearly a half century. It was the one thing that the FDA said we just can't get done. That was in 2016, 3 years ago, and now Senator ISAKSON and Senator CASEY are getting it done.

It is the most important law affecting the safety, innovation, and cost of over-the-counter drugs since the 1970s.

It is a great testament to Senator ISAKSON's leadership and legislative skill. He, of course, is leaving the Senate at the end of this year, and this is a fitting tribute to his work.

In the same way, I thank Senator CASEY of Pennsylvania for his excellent work, in bipartisan fashion, with Senator ISAKSON on this bill. They both deserve great credit and thanks for getting this update across the finish line. It may look easy, but what they have done is something that hasn't been changed for nearly a half century and that the Food and Drug Administration said was the one thing that needed to be done to help consumers to affect the availability, the safety, the cost, and the innovation of drugs that are sold across the counter that are not prescription drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### HEALTHCARE

Ms. HASSAN. Mr. President, I rise to join my Democratic colleagues who have come to the floor in recent weeks to share stories from our constituents about the need to protect and improve healthcare.

Throughout the last 3 years, the Trump administration and Republicans in Congress have been relentless in their attempts to undermine our healthcare system, and their efforts have increased costs and made it harder for patients to access the care they and their families need.

Instead of working to improve our healthcare system and ensure that it is actually working for patients, this administration and some of my Republican colleagues have actively sought to do the opposite, and that has very real implications for the people we serve.

Take, for example, Cassandra Van Kuren of Manchester, NH. Cassandra is a 26-year-old who is passionate about fitness and staying healthy. That is why it was so devastating that a week before she turned 25, she got the news that she had been diagnosed with type 1 diabetes.

Cassandra's life had been turned upside down, and after her diagnosis, she was immediately hit with another shocking blow: the costs associated with her condition.

Within the first week of her diagnosis, she was forced to max out her

credit card, and to this day she is still paying back all of the bills she accumulated within her first month of being diagnosed.

Soon after, she lost her job because she missed so much work. She then went to work with her husband at the gym they own in Manchester and was able to get health insurance through the business.

Still, the costs remain enormous. On average, Cassandra has to spend \$150 a month on insulin costs alone after insurance. Her premium is over \$400 per month, and every 3 months she accumulates bills of over \$500 due to the cost of appointments and equipment. And, sadly, Cassandra and her husband are nervous about starting a family because their costs for care would grow even higher. The amount of insulin a woman with type 1 diabetes needs increases three times when she is pregnant.

Cassandra's story is an example of why we need to improve our healthcare system and also why we can't afford to allow Washington Republicans to pull us backward.

The administration is backing a partisan lawsuit—the result of which we will know soon—which would take healthcare away from millions of Americans, gut protections for pre-existing conditions, end Medicaid expansion, and eliminate the requirement that insurers must cover prescription drugs, maternity care, mental healthcare, substance abuse treatment, and so much more.

With the support of Senate Republicans, the administration has promoted what are appropriately referred to as junk health insurance plans. These junk plans allow insurance companies to discriminate against Americans who experience preexisting conditions, and they also leave patients with higher healthcare costs and worse insurance coverage.

The administration has opposed certain efforts to lower the costs of prescription drugs, in particular, allowing Medicare to negotiate prices on life-saving drugs, including insulin. These actions are unacceptable.

Families in New Hampshire and all across the country cannot afford these reckless attacks on their healthcare, and they want us to work together on constructive bipartisan solutions that improve their lives and lower their costs, not this constant uncertainty and sabotage.

The efforts of people like Cassandra, who have shared their stories in an attempt to shine a light on the challenges that patients are experiencing, are incredibly important. No one should have to share their most deeply personal healthcare stories and plead for lawmakers not to undermine their health coverage, but that is where we are. I am incredibly grateful for those who have had the courage to speak out. I will continue to share their stories, and I will continue working with anyone who is serious about actually im-

proving our healthcare system, not undermining them.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### NOMINATION OF LAWRENCE VANDYKE

Ms. ROSEN. Mr. President, I stand here today in opposition to the nomination of Lawrence VanDyke to the Ninth Circuit Court of Appeals in Nevada, and I stand here today because I think we can all agree—no matter where you are from—that Federal judges in our States should come from our communities, and they should reflect our communities.

It is unfortunate to see this Chamber disregard Nevada's voice and move forward with Mr. VanDyke's nomination. The State of Nevada has numerous qualified lawyers and judges who have done good work and have good reputations in our communities, who are non-partisan, and who would make excellent additions to the Ninth Circuit. But the White House didn't nominate any of these qualified individuals for the Ninth Circuit. Instead, the President nominated Lawrence VanDyke, a man who wasn't born in Nevada, didn't grow up in Nevada, didn't go to school in Nevada, and doesn't live in Nevada now. He hasn't even set foot in Nevada for over a year.

This administration has nominated someone to serve on the Nevada seat of the Ninth Circuit who—and let me be clear—is not a Nevadan. Mr. VanDyke is, however, a Washington, DC, lawyer and failed political candidate from Montana who was nominated to further his and this administration's extreme political views.

His nomination is being imposed on the people of Nevada, despite the many qualified individuals in our own State—individuals who are respected on both sides of the aisle.

As if Mr. VanDyke's lack of any meaningful connection to the State of Nevada wasn't enough, Mr. VanDyke is not even qualified to hold this post, according to the American Bar Association. In reviewing this nominee and speaking with dozens upon dozens of his former colleagues, the ABA found Mr. VanDyke specifically “not qualified” to serve in this role. The ABA has made that finding for only 3 percent of President Trump's judicial nominees, and Mr. VanDyke is the first in a small group whose nomination will move forward without—let me repeat: without—the support of either Senator representing the State where he will sit on the bench if confirmed. That we would allow someone who is not qualified to hold a lifetime position in such a critically important role is, frankly, absurd, and it is something no Senator should support, no matter the party of the President who nominated them.

The ABA's report found Mr. VanDyke to be lacking in knowledge of day-to-day practice, including procedural rules. The report found Mr. VanDyke to be lacking humility and an open

mind, and the ABA's report found Mr. VanDyke to be lacking a commitment to the truth.

In order to see how the ABA came to this conclusion, one only needs to look at Mr. VanDyke's record of pursuing an ideological agenda instead of working for the people and defending the law. In his past role as attorney general of Montana, he filed many politically driven briefs, including one asking the Supreme Court to strike down *Roe v. Wade* altogether, a view that is out of step with the views of Nevadans. He even signed the State onto one brief without reading it, by his own admission.

Mr. VanDyke has also made controversial and appalling statements about LGBTQ Americans, writing this: "[There is] ample reason for concern that same-sex marriage will hurt families, and consequentially children and society."

Mr. VanDyke was given every opportunity to disavow this statement and repeatedly declined to do so. Allowing Mr. VanDyke to serve on the Ninth Circuit would put at risk the rights of thousands of LGBTQ Americans to employment, healthcare, housing, and basic equal treatment in what is often the court of last resort.

Surely you must agree, no matter who is President or who controls the Senate, you would want qualified judges with connections to the State who will be fair to your constituents and not use cases to advance their personal ideological agenda.

I oppose the nomination of Mr. VanDyke, and if it is withdrawn or voted down, I will be ready at a moment's notice to work with this White House in finding a fair, qualified, and non-partisan nominee from Nevada. The people of my home State and yours deserve nothing less.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 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 question is, Will the Senate advise and consent to the Bumatay nomination?

Mr. HEINRICH. 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.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator

from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 387 Ex.]

### YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

### NAYS—40

Baldwin	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Peters	
Hassan	Reed	

### NOT VOTING—7

Bennet	Klobuchar	Warren
Booker	Sanders	
Harris	Warner	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## CLOTURE MOTION

The PRESIDING OFFICER. 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 Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mike Crapo, Thom Tillis, Chuck Grassley, Jerry Moran, Kevin Cramer, John Barrasso, Mike Braun, Joni Ernst, Pat Roberts, John Cornyn, Roy Blunt, John Thune, Lindsey Graham, Roger F. Wicker.

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 Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mrs. BLACKBURN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 40, as follows:

[Rollcall Vote No. 388 Ex.]

### YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

### NAYS—40

Baldwin	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Peters	
Hassan	Reed	

### NOT VOTING—7

Bennet	Klobuchar	Warren
Booker	Sanders	
Harris	Warner	

The PRESIDING OFFICER. The yeas are 53, the nays are 40.

The motion is agreed to.

## EXECUTIVE CALENDAR

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

## LEGISLATIVE SESSION

## OVER-THE-COUNTER MONOGRAPH SAFETY, INNOVATION, AND REFORM ACT OF 2019

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to legislative session and the consideration of S. 2740, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2740) to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application, and for other purposes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, the Senate is about to vote on the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019.

I want to thank my friend and colleague Senator ISAKSON for his good work on this for many years, Chairman ALEXANDER, and Ranking Member PATTY MURRAY.

The current OTC monograph system is broken, and what we are talking about, in simple form, is literally what is on your pill bottle, that kind of information.

It is a broken system. The FDA doesn't have the authority to move swiftly when there is a threat to public health; it doesn't have the opportunity to update existing monographs; and there is no incentive for innovation.

This legislation is decades overdue. I am grateful for the good work of so many who made it possible. It is a commonsense bill, consumer group supported, industry stakeholder supported, and of course the FDA not only supports it but needs it.

I will now yield to my friend and colleague, Senator JOHNNY ISAKSON.

Mr. ISAKSON. Madam President, I thank the Senator from Pennsylvania.

If you want to go home on time, if you want to take something home to give to the American people that they want and they need, then you will vote with me and the other Members who have spoken on the Over-the-Counter Monograph bill today.

There are sunscreens on the market in Europe that are 12 years short of being on the market in America all because of an antiquated approval system to make sure they are safe but to get them to the market in time. It is about time we ended melanoma, and it is about time we got American consumers what they want. It is about time we settle the problem. It has been a problem for a long time.

So I ask you—in fact, I plead with you—to vote for this bill, and you will make everybody happy, nobody mad, and you will save a life. There is nothing better than that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I ask unanimous consent to speak for 1 minute in opposition.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURR. Madam President, I reluctantly rise in opposition to this legislation, and I have worked with Senator ISAKSON over the years on FDA legislation.

I want to be perfectly clear that I agree with all of the reforms that are in this piece of legislation within the over-the-counter division at FDA. I simply disagree with the way in which this legislation provides the resources to achieve these reforms because I don't believe it will result in what the expectations are of the authors.

When the drug industry first agreed to user fees in 1993, the fee to file a new drug application was \$100,000. Today that fee is \$2.1 million. To that end, the FDA has struggled to uphold its end of the bargain, falling behind in its commitment to hire the number of employees the agency needs to actually review the applications that cost millions of dollars to file.

The FDA continues to increase the amount of user fee dollars it requires to review applications, eroding the balance of congressional oversight provided by the appropriation of taxpayer dollars.

I encourage my colleagues that what JOHNNY is trying to do is the right thing to do, but it is the wrong way to pay for it.

I yield the floor.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 389 Leg.]

YEAS—91

Alexander	Boozman	Carper
Baldwin	Braun	Casey
Barrasso	Brown	Cassidy
Blackburn	Cantwell	Collins
Blumenthal	Capito	Coons
Blunt	Cardin	Cornyn

Cortez Masto	Jones	Rosen
Cotton	Kaine	Rounds
Cramer	Kennedy	Rubio
Crapo	King	Sasse
Cruz	Lankford	Schatz
Daines	Leahy	Schumer
Duckworth	Lee	Scott (SC)
Durbin	Manchin	Shaheen
Enzi	Markey	Shelby
Ernst	McConnell	Sinema
Feinstein	McCally	Smith
Fischer	Menendez	Stabenow
Gardner	Merkley	Sullivan
Gillibrand	Moran	Tester
Graham	Murkowski	Thune
Grassley	Murphy	Tillis
Hassan	Murray	Toomey
Hawley	Paul	Udall
Heinrich	Perdue	Van Hollen
Hirono	Peters	Whitehouse
Hoeven	Portman	Wicker
Hyde-Smith	Reed	Wyden
Inhofe	Risch	Young
Isakson	Roberts	
Johnson	Romney	

NAYS—2

Burr  
Scott (FL)

NOT VOTING—7

Bennet	Klobuchar	Warren
Booker	Sanders	
Harris	Warner	

The bill (S. 2740) was passed, as follows:

S. 2740

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—OTC DRUG REVIEW

Sec. 101. Regulation of certain nonprescription drugs that are marketed without an approved drug application.

Sec. 102. Misbranding.

Sec. 103. Drugs excluded from the over-the-counter drug review.

Sec. 104. Treatment of Sunscreen Innovation Act.

Sec. 105. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.

Sec. 106. Technical corrections.

#### TITLE II—USER FEES

Sec. 201. Short title; finding.

Sec. 202. Fees relating to over-the-counter drugs.

#### TITLE I—OTC DRUG REVIEW

#### SEC. 101. REGULATION OF CERTAIN NON-PRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED DRUG APPLICATION.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 505F of such Act (21 U.S.C. 355g) the following:

#### “SEC. 505G. REGULATION OF CERTAIN NON-PRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED DRUG APPLICATION.

“(a) NONPRESCRIPTION DRUGS MARKETED WITHOUT AN APPROVED APPLICATION.—Nonprescription drugs marketed without an approved drug application under section 505, as of the date of the enactment of this section, shall be treated in accordance with this subsection.

“(1) DRUGS SUBJECT TO A FINAL MONOGRAPH; CATEGORY I DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH.—A drug is deemed to be

generally recognized as safe and effective under section 201(p)(1), not a new drug under section 201(p), and not subject to section 503(b)(1), if—

“(A) the drug is—

“(i) in conformity with the requirements for nonprescription use of a final monograph issued under part 330 of title 21, Code of Federal Regulations (except as provided in paragraph (2)), the general requirements for nonprescription drugs, and conditions or requirements under subsections (b), (c), and (k); and

“(ii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2); or

“(B) the drug is—

“(i) classified in category I for safety and effectiveness under a tentative final monograph that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations;

“(ii) in conformity with the proposed requirements for nonprescription use of such tentative final monograph, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and conditions or requirements under subsections (b), (c), and (k); and

“(iii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

“(2) TREATMENT OF SUNSCREEN DRUGS.—With respect to sunscreen drugs subject to this section, the applicable requirements in terms of conformity with a final monograph, for purposes of paragraph (1)(A)(i), shall be the requirements specified in part 352 of title 21, Code of Federal Regulations, as published on May 21, 1999, beginning on page 27687 of volume 64 of the Federal Register, except that the applicable requirements governing effectiveness and labeling shall be those specified in section 201.327 of title 21, Code of Federal Regulations.

“(3) CATEGORY III DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH; CATEGORY I DRUGS SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE NOTICE OF PROPOSED RULEMAKING.—A drug that is not described in paragraph (1), (2), or (4) is not required to be the subject of an application approved under section 505, and is not subject to section 503(b)(1), if—

“(A) the drug is—

“(i) classified in category III for safety or effectiveness in the preamble of a proposed rule establishing a tentative final monograph that is the most recently applicable proposal or determination for such drug issued under part 330 of title 21, Code of Federal Regulations;

“(ii) in conformity with—

“(I) the conditions of use, including indication and dosage strength, if any, described for such category III drug in such preamble or in an applicable subsequent proposed rule;

“(II) the proposed requirements for drugs classified in such tentative final monograph in category I in the most recently proposed rule establishing requirements related to such tentative final monograph and in any final rule establishing requirements that are applicable to the drug; and

“(III) the general requirements for nonprescription drugs and conditions or requirements under subsection (b) or (k); and

“(iii) in a dosage form that, immediately prior to the date of the enactment of this

section, had been used to a material extent and for a material time under section 201(p)(2); or

“(B) the drug is—

“(i) classified in category I for safety and effectiveness under a proposed monograph or advance notice of proposed rulemaking that is the most recently applicable proposal or determination for such drug issued under part 330 of title 21, Code of Federal Regulations;

“(ii) in conformity with the requirements for nonprescription use of such proposed monograph or advance notice of proposed rulemaking, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and conditions or requirements under subsection (b) or (k); and

“(iii) in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

“(4) CATEGORY II DRUGS DEEMED NEW DRUGS.—A drug that is classified in category II for safety or effectiveness under a tentative final monograph or that is subject to a determination to be not generally recognized as safe and effective in a proposed rule that is the most recently applicable proposal issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an approved new drug application under section 505 beginning on the day that is 180 calendar days after the date of the enactment of this section, unless, before such day, the Secretary determines that it is in the interest of public health to extend the period during which the drug may be marketed without such an approved new drug application.

“(5) DRUGS NOT GRASE DEEMED NEW DRUGS.—A drug that the Secretary has determined not to be generally recognized as safe and effective under section 201(p)(1) under a final determination issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an approved new drug application under section 505.

“(6) OTHER DRUGS DEEMED NEW DRUGS.—Except as provided in subsection (m), a drug is deemed to be a new drug under section 201(p) and misbranded under section 502(ee) if the drug—

“(A) is not subject to section 503(b)(1); and

“(B) is not described in paragraph (1), (2), (3), (4), or (5), or subsection (b)(1)(B).

“(b) ADMINISTRATIVE ORDERS.—

“(1) IN GENERAL.—

“(A) DETERMINATION.—The Secretary may, on the initiative of the Secretary or at the request of one or more requestors, issue an administrative order determining whether there are conditions under which a specific drug, a class of drugs, or a combination of drugs, is determined to be—

“(i) not subject to section 503(b)(1); and

“(ii) generally recognized as safe and effective under section 201(p)(1).

“(B) EFFECT.—A drug or combination of drugs shall be deemed to not require approval under section 505 if such drug or combination of drugs—

“(i) is determined by the Secretary to meet the conditions specified in clauses (i) and (ii) of subparagraph (A);

“(ii) is marketed in conformity with an administrative order under this subsection;

“(iii) meets the general requirements for nonprescription drugs; and

“(iv) meets the requirements under subsections (c) and (k).

“(C) STANDARD.—The Secretary shall find that a drug is not generally recognized as safe and effective under section 201(p)(1) if—

“(i) the evidence shows that the drug is not generally recognized as safe and effective under section 201(p)(1); or

“(ii) the evidence is inadequate to show that the drug is generally recognized as safe and effective under section 201(p)(1).

“(2) ADMINISTRATIVE ORDERS INITIATED BY THE SECRETARY.—

“(A) IN GENERAL.—In issuing an administrative order under paragraph (1) upon the Secretary's initiative, the Secretary shall—

“(i) make reasonable efforts to notify informally, not later than 2 business days before the issuance of the proposed order, the sponsors of drugs who have a listing in effect under section 510(j) for the drugs or combination of drugs that will be subject to the administrative order;

“(ii) after any such reasonable efforts of notification—

“(I) issue a proposed administrative order by publishing it on the website of the Food and Drug Administration and include in such order the reasons for the issuance of such order; and

“(II) publish a notice of availability of such proposed order in the Federal Register;

“(iii) except as provided in subparagraph (B), provide for a public comment period with respect to such proposed order of not less than 45 calendar days; and

“(iv) if, after completion of the proceedings specified in clauses (i) through (iii), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) issue the final administrative order, together with a detailed statement of reasons, which order shall not take effect until the time for requesting judicial review under paragraph (3)(D)(ii) has expired;

“(II) publish a notice of such final administrative order in the Federal Register;

“(III) afford requestors of drugs that will be subject to such order the opportunity for formal dispute resolution up to the level of the Director of the Center for Drug Evaluation and Research, which initially must be requested within 45 calendar days of the issuance of the order, and, for subsequent levels of appeal, within 30 calendar days of the prior decision; and

“(IV) except with respect to drugs described in paragraph (3)(B), upon completion of the formal dispute resolution procedure, inform the persons which sought such dispute resolution of their right to request a hearing.

“(B) EXCEPTIONS.—When issuing an administrative order under paragraph (1) on the Secretary's initiative proposing to determine that a drug described in subsection (a)(3) is not generally recognized as safe and effective under section 201(p)(1), the Secretary shall follow the procedures in subparagraph (A), except that—

“(i) the proposed order shall include notice of—

“(I) the general categories of data the Secretary has determined necessary to establish that the drug is generally recognized as safe and effective under section 201(p)(1); and

“(II) the format for submissions by interested persons;

“(ii) the Secretary shall provide for a public comment period of no less than 180 calendar days with respect to such proposed order, except when the Secretary determines, for good cause, that a shorter period is in the interest of public health; and

“(iii) any person who submits data in such comment period shall include a certification that the person has submitted all evidence created, obtained, or received by that person that is both within the categories of data identified in the proposed order and relevant

to a determination as to whether the drug is generally recognized as safe and effective under section 201(p)(1).

“(3) HEARINGS; JUDICIAL REVIEW.—

“(A) IN GENERAL.—Only a person who participated in each stage of formal dispute resolution under subclause (III) of paragraph (2)(A)(iv) of an administrative order with respect to a drug may request a hearing concerning a final administrative order issued under such paragraph with respect to such drug. If a hearing is sought, such person must submit a request for a hearing, which shall be based solely on information in the administrative record, to the Secretary not later than 30 calendar days after receiving notice of the final decision of the formal dispute resolution procedure.

“(B) NO HEARING REQUIRED WITH RESPECT TO ORDERS RELATING TO CERTAIN DRUGS.—

“(i) IN GENERAL.—The Secretary shall not be required to provide notice and an opportunity for a hearing pursuant to paragraph (2)(A)(iv) if the final administrative order involved relates to a drug—

“(I) that is described in subsection (a)(3)(A); and

“(II) with respect to which no human or non-human data studies relevant to the safety or effectiveness of such drug have been submitted to the administrative record since the issuance of the most recent tentative final monograph relating to such drug.

“(ii) HUMAN DATA STUDIES AND NON-HUMAN DATA DEFINED.—In this subparagraph:

“(I) The term ‘human data studies’ means clinical trials of safety or effectiveness (including actual use studies), pharmacokinetics studies, or bioavailability studies.

“(II) The term ‘non-human data’ means data from testing other than with human subjects which provides information concerning safety or effectiveness.

“(C) HEARING PROCEDURES.—

“(i) DENIAL OF REQUEST FOR HEARING.—If the Secretary determines that information submitted in a request for a hearing under subparagraph (A) with respect to a final administrative order issued under paragraph (2)(A)(iv) does not identify the existence of a genuine and substantial question of material fact, the Secretary may deny such request. In making such a determination, the Secretary may consider only information and data that are based on relevant and reliable scientific principles and methodologies.

“(ii) SINGLE HEARING FOR MULTIPLE RELATED REQUESTS.—If more than one request for a hearing is submitted with respect to the same administrative order under subparagraph (A), the Secretary may direct that a single hearing be conducted in which all persons whose hearing requests were granted may participate.

“(iii) PRESIDING OFFICER.—The presiding officer of a hearing requested under subparagraph (A) shall—

“(I) be designated by the Secretary;

“(II) not be an employee of the Center for Drug Evaluation and Research; and

“(III) not have been previously involved in the development of the administrative order involved or proceedings relating to that administrative order.

“(iv) RIGHTS OF PARTIES TO HEARING.—The parties to a hearing requested under subparagraph (A) shall have the right to present testimony, including testimony of expert witnesses, and to cross-examine witnesses presented by other parties. Where appropriate, the presiding officer may require that cross-examination by parties representing substantially the same interests be consolidated to promote efficiency and avoid duplication.

“(v) FINAL DECISION.—

“(I) At the conclusion of a hearing requested under subparagraph (A), the pre-

siding officer of the hearing shall issue a decision containing findings of fact and conclusions of law. The decision of the presiding officer shall be final.

“(II) The final decision may not take effect until the period under subparagraph (D)(ii) for submitting a request for judicial review of such decision expires.

“(D) JUDICIAL REVIEW OF FINAL ADMINISTRATIVE ORDER.—

“(i) IN GENERAL.—The procedures described in section 505(h) shall apply with respect to judicial review of final administrative orders issued under this subsection in the same manner and to the same extent as such section applies to an order described in such section except that the judicial review shall be taken by filing in an appropriate district court of the United States in lieu of the appellate courts specified in such section.

“(ii) PERIOD TO SUBMIT A REQUEST FOR JUDICIAL REVIEW.—A person eligible to request a hearing under this paragraph and seeking judicial review of a final administrative order issued under this subsection shall file such request for judicial review not later than 60 calendar days after the latest of—

“(I) the date on which notice of such order is published;

“(II) the date on which a hearing with respect to such order is denied under subparagraph (B) or (C)(i);

“(III) the date on which a final decision is made following a hearing under subparagraph (C)(v); or

“(IV) if no hearing is requested, the date on which the time for requesting a hearing expires.

“(4) EXPEDITED PROCEDURE WITH RESPECT TO ADMINISTRATIVE ORDERS INITIATED BY THE SECRETARY.—

“(A) IMMINENT HAZARD TO THE PUBLIC HEALTH.—

“(i) IN GENERAL.—In the case of a determination by the Secretary that a drug, class of drugs, or combination of drugs subject to this section poses an imminent hazard to the public health, the Secretary, after first making reasonable efforts to notify, not later than 48 hours before issuance of such order under this subparagraph, sponsors who have a listing in effect under section 510(j) for such drug or combination of drugs—

“(I) may issue an interim final administrative order for such drug, class of drugs, or combination of drugs under paragraph (1), together with a detailed statement of the reasons for such order;

“(II) shall publish in the Federal Register a notice of availability of any such order; and

“(III) shall provide for a public comment period of at least 45 calendar days with respect to such interim final order.

“(ii) NONDELEGATION.—The Secretary may not delegate the authority to issue an interim final administrative order under this subparagraph.

“(B) SAFETY LABELING CHANGES.—

“(i) IN GENERAL.—In the case of a determination by the Secretary that a change in the labeling of a drug, class of drugs, or combination of drugs subject to this section is reasonably expected to mitigate a significant or unreasonable risk of a serious adverse event associated with use of the drug, the Secretary may—

“(I) make reasonable efforts to notify informally, not later than 48 hours before the issuance of the interim final order, the sponsors of drugs who have a listing in effect under section 510(j) for such drug or combination of drugs;

“(II) after reasonable efforts of notification, issue an interim final administrative order in accordance with paragraph (1) to require such change, together with a detailed statement of the reasons for such order;

“(III) publish in the Federal Register a notice of availability of such order; and

“(IV) provide for a public comment period of at least 45 calendar days with respect to such interim final order.

“(ii) CONTENT OF ORDER.—An interim final order issued under this subparagraph with respect to the labeling of a drug may provide for new warnings and other information required for safe use of the drug.

“(C) EFFECTIVE DATE.—An order under subparagraph (A) or (B) shall take effect on a date specified by the Secretary.

“(D) FINAL ORDER.—After the completion of the proceedings in subparagraph (A) or (B), the Secretary shall—

“(i) issue a final order in accordance with paragraph (1);

“(ii) publish a notice of availability of such final administrative order in the Federal Register; and

“(iii) afford sponsors of such drugs that will be subject to such an order the opportunity for formal dispute resolution up to the level of the Director of the Center for Drug Evaluation and Research, which must initially be within 45 calendar days of the issuance of the order, and for subsequent levels of appeal, within 30 calendar days of the prior decision.

“(E) HEARINGS.—A sponsor of a drug subject to a final order issued under subparagraph (D) and that participated in each stage of formal dispute resolution under clause (iii) of such subparagraph may request a hearing on such order. The provisions of subparagraphs (A), (B), and (C) of paragraph (3), other than paragraph (3)(C)(v)(II), shall apply with respect to a hearing on such order in the same manner and to the same extent as such provisions apply with respect to a hearing on an administrative order issued under paragraph (2)(A)(iv).

“(F) TIMING.—

“(i) FINAL ORDER AND HEARING.—The Secretary shall—

“(I) not later than 6 months after the date on which the comment period closes under subparagraph (A) or (B), issue a final order in accordance with paragraph (1); and

“(II) not later than 12 months after the date on which such final order is issued, complete any hearing under subparagraph (E).

“(ii) DISPUTE RESOLUTION REQUEST.—The Secretary shall specify in an interim final order issued under subparagraph (A) or (B) such shorter periods for requesting dispute resolution under subparagraph (D)(iii) as are necessary to meet the requirements of this subparagraph.

“(G) JUDICIAL REVIEW.—A final order issued pursuant to subparagraph (F) shall be subject to judicial review in accordance with paragraph (3)(D).

“(5) ADMINISTRATIVE ORDER INITIATED AT THE REQUEST OF A REQUESTOR.—

“(A) IN GENERAL.—In issuing an administrative order under paragraph (1) at the request of a requestor with respect to certain drugs, classes of drugs, or combinations of drugs—

“(i) the Secretary shall, after receiving a request under this subparagraph, determine whether the request is sufficiently complete and formatted to permit a substantive review;

“(ii) if the Secretary determines that the request is sufficiently complete and formatted to permit a substantive review, the Secretary shall—

“(I) file the request; and

“(II) initiate proceedings with respect to issuing an administrative order in accordance with paragraphs (2) and (3); and

“(iii) except as provided in paragraph (6), if the Secretary determines that a request does not meet the requirements for filing or is not



sufficiently complete and formatted to permit a substantive review, the requestor may demand that the request be filed over protest, and the Secretary shall initiate proceedings to review the request in accordance with paragraph (2)(A).

“(B) REQUEST TO INITIATE PROCEEDINGS.—

“(i) IN GENERAL.—A requestor seeking an administrative order under paragraph (1) with respect to certain drugs, classes of drugs, or combinations of drugs, shall submit to the Secretary a request to initiate proceedings for such order in the form and manner as specified by the Secretary. Such requestor may submit a request under this subparagraph for the issuance of an administrative order—

“(I) determining whether a drug is generally recognized as safe and effective under section 201(p)(1), exempt from section 503(b)(1), and not required to be the subject of an approved application under section 505; or

“(II) determining whether a change to a condition of use of a drug is generally recognized as safe and effective under section 201(p)(1), exempt from section 503(b)(1), and not required to be the subject of an approved application under section 505, if, absent such a changed condition of use, such drug is—

“(aa) generally recognized as safe and effective under section 201(p)(1) in accordance with subsection (a)(1), (a)(2), or an order under this subsection; or

“(bb) subject to subsection (a)(3), but only if such requestor initiates such request in conjunction with a request for the Secretary to determine whether such drug is generally recognized as safe and effective under section 201(p)(1), which is filed by the Secretary under subparagraph (A)(ii).

“(ii) EXCEPTION.—The Secretary is not required to complete review of a request for a change described in clause (i)(II) if the Secretary determines that there is an inadequate basis to find the drug is generally recognized as safe and effective under section 201(p)(1) under paragraph (1) and issues a final order announcing that determination.

“(iii) WITHDRAWAL.—The requestor may withdraw a request under this paragraph, according to the procedures set forth pursuant to subsection (d)(2)(B). Notwithstanding any other provision of this section, if such request is withdrawn, the Secretary may cease proceedings under this subparagraph.

“(C) EXCLUSIVITY.—

“(i) IN GENERAL.—A final administrative order issued in response to a request under this section shall have the effect of authorizing solely the order requestor (or the licensees, assignees, or successors in interest of such requestor with respect to the subject of such order), for a period of 18 months following the effective date of such final order and beginning on the date the requestor may lawfully market such drugs pursuant to the order, to market drugs—

“(I) incorporating changes described in clause (ii); and

“(II) subject to the limitations under clause (iv).

“(ii) CHANGES DESCRIBED.—A change described in this clause is a change subject to an order specified in clause (i), which—

“(I) provides for a drug to contain an active ingredient (including any ester or salt of the active ingredient) not previously incorporated in a drug described in clause (iii); or

“(II) provides for a change in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor (or for which the requestor has an exclusive right of reference) were essential to the issuance of such order.

“(iii) DRUGS DESCRIBED.—The drugs described in this clause are drugs—

“(I) specified in subsection (a)(1), (a)(2), or (a)(3);

“(II) subject to a final order issued under this section;

“(III) subject to a final sunscreen order (as defined in section 586(2)(A)); or

“(IV) described in subsection (m)(1), other than drugs subject to an active enforcement action under chapter III of this Act.

“(iv) LIMITATIONS ON EXCLUSIVITY.—

“(I) IN GENERAL.—Only one 18-month period under this subparagraph shall be granted, under each order described in clause (i), with respect to changes (to the drug subject to such order) which are either—

“(aa) changes described in clause (ii)(I), relating to active ingredients; or

“(bb) changes described in clause (ii)(II), relating to conditions of use.

“(II) NO EXCLUSIVITY ALLOWED.—No exclusivity shall apply to changes to a drug which are—

“(aa) the subject of a Tier 2 OTC monograph order request (as defined in section 744L);

“(bb) safety-related changes, as defined by the Secretary, or any other changes the Secretary considers necessary to assure safe use; or

“(cc) changes related to methods of testing safety or efficacy.

“(v) NEW HUMAN DATA STUDIES DEFINED.—In this subparagraph, the term ‘new human data studies’ means clinical trials of safety or effectiveness (including actual use studies), pharmacokinetics studies, or bioavailability studies, the results of which—

“(I) have not been relied on by the Secretary to support—

“(aa) a proposed or final determination that a drug described in subclause (I), (II), or (III) of clause (iii) is generally recognized as safe and effective under section 201(p)(1); or

“(bb) approval of a drug that was approved under section 505; and

“(II) do not duplicate the results of another study that was relied on by the Secretary to support—

“(aa) a proposed or final determination that a drug described in subclause (I), (II), or (III) of clause (iii) is generally recognized as safe and effective under section 201(p)(1); or

“(bb) approval of a drug that was approved under section 505.

“(vi) NOTIFICATION OF DRUG NOT AVAILABLE FOR SALE.—A requestor that is granted exclusivity with respect to a drug under this subparagraph shall notify the Secretary in writing within 1 year of the issuance of the final administrative order if the drug that is the subject of such order will not be available for sale within 1 year of the date of issuance of such order. The requestor shall include with such notice the—

“(I) identity of the drug by established name and by proprietary name, if any;

“(II) strength of the drug;

“(III) date on which the drug will be available for sale, if known; and

“(IV) reason for not marketing the drug after issuance of the order.

“(6) INFORMATION REGARDING SAFE NON-PRESCRIPTION MARKETING AND USE AS CONDITION FOR FILING A GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE REQUEST.—

“(A) IN GENERAL.—In response to a request under this section that a drug described in subparagraph (B) be generally recognized as safe and effective, the Secretary—

“(i) may file such request, if the request includes information specified under subparagraph (C) with respect to safe non-prescription marketing and use of such drug; or

“(ii) if the request fails to include information specified under subparagraph (C), shall refuse to file such request and require that nonprescription marketing of the drug be

pursuant to a new drug application as described in subparagraph (D).

“(B) DRUG DESCRIBED.—A drug described in this subparagraph is a nonprescription drug which contains an active ingredient not previously incorporated in a drug—

“(i) specified in subsection (a)(1), (a)(2), or (a)(3);

“(ii) subject to a final order under this section; or

“(iii) subject to a final sunscreen order (as defined in section 586(2)(A)).

“(C) INFORMATION DEMONSTRATING PRIMA FACIE SAFE NONPRESCRIPTION MARKETING AND USE.—Information specified in this subparagraph, with respect to a request described in subparagraph (A)(i), is—

“(i) information sufficient for a prima facie demonstration that the drug subject to such request has a verifiable history of being marketed and safely used by consumers in the United States as a nonprescription drug under comparable conditions of use;

“(ii) if the drug has not been previously marketed in the United States as a nonprescription drug, information sufficient for a prima facie demonstration that the drug was marketed and safely used under comparable conditions of marketing and use in a country listed in section 802(b)(1)(A) or designated by the Secretary in accordance with section 802(b)(1)(B)—

“(I) for such period as needed to provide reasonable assurances concerning the safe nonprescription use of the drug; and

“(II) during such time was subject to sufficient monitoring by a regulatory body considered acceptable by the Secretary for such monitoring purposes, including for adverse events associated with nonprescription use of the drug; or

“(iii) if the Secretary determines that information described in clause (i) or (ii) is not needed to provide a prima facie demonstration that the drug can be safely marketed and used as a nonprescription drug, such other information the Secretary determines is sufficient for such purposes.

“(D) MARKETING PURSUANT TO NEW DRUG APPLICATION.—In the case of a request described in subparagraph (A)(ii), the drug subject to such request may be resubmitted for filing only if—

“(i) the drug is marketed as a nonprescription drug, under conditions of use comparable to the conditions specified in the request, for such period as the Secretary determines appropriate (not to exceed 5 consecutive years) pursuant to an application approved under section 505; and

“(ii) during such period, 1,000,000 retail packages of the drug, or an equivalent quantity as determined by the Secretary, were distributed for retail sale, as determined in such manner as the Secretary finds appropriate.

“(E) RULE OF APPLICATION.—Except in the case of a request involving a drug described in section 586(9), as in effect on January 1, 2017, if the Secretary refuses to file a request under this paragraph, the requestor may not file such request over protest under paragraph (5)(A)(iii).

“(7) PACKAGING.—An administrative order issued under paragraph (2), (4)(A), or (5) may include requirements for the packaging of a drug to encourage use in accordance with labeling. Such requirements may include unit dose packaging, requirements for products intended for use by pediatric populations, requirements to reduce risk of harm from unsupervised ingestion, and other appropriate requirements. This paragraph does not authorize the Food and Drug Administration to require standards or testing procedures as described in part 1700 of title 16, Code of Federal Regulations.

“(8) FINAL AND TENTATIVE FINAL MONOGRAPHS FOR CATEGORY I DRUGS DEEMED FINAL ADMINISTRATIVE ORDERS.—

“(A) IN GENERAL.—A final monograph or tentative final monograph described in subparagraph (B) shall be deemed to be a final administrative order under this subsection and may be amended, revoked, or otherwise modified in accordance with the procedures of this subsection.

“(B) MONOGRAPHS DESCRIBED.—For purposes of subparagraph (A), a final monograph or tentative final monograph is described in this subparagraph if it—

“(i) establishes conditions of use for a drug described in paragraph (1) or (2) of subsection (a); and

“(ii) represents the most recently promulgated version of such conditions, including as modified, in whole or in part, by any proposed or final rule.

“(C) DEEMED ORDERS INCLUDE HARMONIZING TECHNICAL AMENDMENTS.—The deemed establishment of a final administrative order under subparagraph (A) shall be construed to include any technical amendments to such order as the Secretary determines necessary to ensure that such order is appropriately harmonized, in terms of terminology or cross-references, with the applicable provisions of this Act (and regulations thereunder) and any other orders issued under this section.

“(c) PROCEDURE FOR MINOR CHANGES.—

“(1) IN GENERAL.—Minor changes in the dosage form of a drug that is described in paragraph (1) or (2) of subsection (a) or the subject of an order issued under subsection (b) may be made by a requestor without the issuance of an order under subsection (b) if—

“(A) the requestor maintains such information as is necessary to demonstrate that the change—

“(i) will not affect the safety or effectiveness of the drug; and

“(ii) will not materially affect the extent of absorption or other exposure to the active ingredient in comparison to a suitable reference product; and

“(B) the change is in conformity with the requirements of an applicable administrative order issued by the Secretary under paragraph (3).

“(2) ADDITIONAL INFORMATION.—

“(A) ACCESS TO RECORDS.—A sponsor shall submit records requested by the Secretary relating to such a minor change under section 704(a)(4), within 15 business days of receiving such a request, or such longer period as the Secretary may provide.

“(B) INSUFFICIENT INFORMATION.—If the Secretary determines that the information contained in such records is not sufficient to demonstrate that the change does not affect the safety or effectiveness of the drug or materially affect the extent of absorption or other exposure to the active ingredient, the Secretary—

“(i) may so inform the sponsor of the drug in writing; and

“(ii) if the Secretary so informs the sponsor, shall provide the sponsor of the drug with a reasonable opportunity to provide additional information.

“(C) FAILURE TO SUBMIT SUFFICIENT INFORMATION.—If the sponsor fails to provide such additional information within a time prescribed by the Secretary, or if the Secretary determines that such additional information does not demonstrate that the change does not—

“(i) affect the safety or effectiveness of the drug; or

“(ii) materially affect the extent of absorption or other exposure to the active ingredient in comparison to a suitable reference product,

the drug as modified is a new drug under section 201(p) and shall be deemed to be misbranded under section 502(ee).

“(3) DETERMINING WHETHER A CHANGE WILL AFFECT SAFETY OR EFFECTIVENESS.—

“(A) IN GENERAL.—The Secretary shall issue one or more administrative orders specifying requirements for determining whether a minor change made by a sponsor pursuant to this subsection will affect the safety or effectiveness of a drug or materially affect the extent of absorption or other exposure to an active ingredient in the drug in comparison to a suitable reference product, together with guidance for applying those orders to specific dosage forms.

“(B) STANDARD PRACTICES.—The orders and guidance issued by the Secretary under subparagraph (A) shall take into account relevant public standards and standard practices for evaluating the quality of drugs, and may take into account the special needs of populations, including children.

“(d) CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE SECRETARY.—

“(1) IN GENERAL.—Subject to paragraph (2), any information, including reports of testing conducted on the drug or drugs involved, that is submitted by a requestor in connection with proceedings on an order under this section (including any minor change under subsection (c)) and is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code, shall not be disclosed to the public unless the requestor consents to that disclosure.

“(2) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall—

“(i) make any information submitted by a requestor in support of a request under subsection (b)(5)(A) available to the public not later than the date on which the proposed order is issued; and

“(ii) make any information submitted by any other person with respect to an order requested (or initiated by the Secretary) under subsection (b), available to the public upon such submission.

“(B) LIMITATIONS ON PUBLIC AVAILABILITY.—Information described in subparagraph (A) shall not be made public if—

“(i) the information pertains to pharmaceutical quality information, unless such information is necessary to establish standards under which a drug is generally recognized as safe and effective under section 201(p)(1);

“(ii) the information is submitted in a requestor-initiated request, but the requestor withdraws such request, in accordance with withdrawal procedures established by the Secretary, before the Secretary issues the proposed order;

“(iii) the Secretary requests and obtains the information under subsection (c) and such information is not submitted in relation to an order under subsection (b); or

“(iv) the information is of the type contained in raw datasets.

“(e) UPDATES TO DRUG LISTING INFORMATION.—A sponsor who makes a change to a drug subject to this section shall submit updated drug listing information for the drug in accordance with section 510(j) within 30 calendar days of the date when the drug is first commercially marketed, except that a sponsor who was the order requestor with respect to an order subject to subsection (b)(5)(C) (or a licensee, assignee, or successor in interest of such requestor) shall submit updated drug listing information on or before the date when the drug is first commercially marketed.

“(f) APPROVALS UNDER SECTION 505.—The provisions of this section shall not be construed to preclude a person from seeking or maintaining the approval of an application

for a drug under sections 505(b)(1), 505(b)(2), and 505(j). A determination under this section that a drug is not subject to section 503(b)(1), is generally recognized as safe and effective under section 201(p)(1), and is not a new drug under section 201(p) shall constitute a finding that the drug is safe and effective that may be relied upon for purposes of an application under section 505(b)(2), so that the applicant shall be required to submit for purposes of such application only information needed to support any modification of the drug that is not covered by such determination under this section.

“(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE ORDERS.—The Secretary shall establish, maintain, update (as determined necessary by the Secretary but no less frequently than annually), and make publicly available, with respect to orders issued under this section—

“(1) a repository of each final order and interim final order in effect, including the complete text of the order; and

“(2) a listing of all orders proposed and under development under subsection (b)(2), including—

“(A) a brief description of each such order; and

“(B) the Secretary's expectations, if resources permit, for issuance of proposed orders over a 3-year period.

“(h) DEVELOPMENT ADVICE TO SPONSORS OR REQUESTORS.—The Secretary shall establish procedures under which sponsors or requestors may meet with appropriate officials of the Food and Drug Administration to obtain advice on the studies and other information necessary to support submissions under this section and other matters relevant to the regulation of nonprescription drugs and the development of new nonprescription drugs under this section.

“(i) PARTICIPATION OF MULTIPLE SPONSORS OR REQUESTORS.—The Secretary shall establish procedures to facilitate efficient participation by multiple sponsors or requestors in proceedings under this section, including provision for joint meetings with multiple sponsors or requestors or with organizations nominated by sponsors or requestors to represent their interests in a proceeding.

“(j) ELECTRONIC FORMAT.—All submissions under this section shall be in electronic format.

“(k) EFFECT ON EXISTING REGULATIONS GOVERNING NONPRESCRIPTION DRUGS.—

“(1) REGULATIONS OF GENERAL APPLICABILITY TO NONPRESCRIPTION DRUGS.—Except as provided in this subsection, nothing in this section supersedes regulations establishing general requirements for nonprescription drugs, including regulations of general applicability contained in parts 201, 250, and 330 of title 21, Code of Federal Regulations, or any successor regulations. The Secretary shall establish or modify such regulations by means of rulemaking in accordance with section 553 of title 5, United States Code.

“(2) REGULATIONS ESTABLISHING REQUIREMENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—

“(A) The provisions of section 310.545 of title 21, Code of Federal Regulations, as in effect on the day before the date of the enactment of this section, shall be deemed to be a final order under subsection (b).

“(B) Regulations in effect on the day before the date of the enactment of this section, establishing requirements for specific nonprescription drugs marketed pursuant to this section (including such requirements in parts 201 and 250 of title 21, Code of Federal Regulations), shall be deemed to be final orders under subsection (b), only as they apply to drugs—

“(i) subject to paragraph (1), (2), (3), or (4) of subsection (a); or

“(ii) otherwise subject to an order under this section.

“(3) **WITHDRAWAL OF REGULATIONS.**—The Secretary shall withdraw regulations establishing final monographs and the procedures governing the over-the-counter drug review under part 330 and other relevant parts of title 21, Code of Federal Regulations (as in effect on the day before the date of the enactment of this section), or make technical changes to such regulations to ensure conformity with appropriate terminology and cross references. Notwithstanding subchapter II of chapter 5 of title 5, United States Code, any such withdrawal or technical changes shall be made without public notice and comment and shall be effective upon publication through notice in the Federal Register (or upon such date as specified in such notice).

“(1) **GUIDANCE.**—The Secretary shall issue guidance that specifies—

“(1) the procedures and principles for formal meetings between the Secretary and sponsors or requestors for drugs subject to this section;

“(2) the format and content of data submissions to the Secretary under this section;

“(3) the format of electronic submissions to the Secretary under this section;

“(4) consolidated proceedings for appeal and the procedures for such proceedings where appropriate; and

“(5) for minor changes in drugs, recommendations on how to comply with the requirements in orders issued under subsection (c)(3).

“(m) **RULE OF CONSTRUCTION.**—

“(1) **IN GENERAL.**—This section shall not affect the treatment or status of a nonprescription drug—

“(A) that is marketed without an application approved under section 505 as of the date of the enactment of this section;

“(B) that is not subject to an order issued under this section; and

“(C) to which paragraph (1), (2), (3), (4), or (5) of subsection (a) do not apply.

“(2) **TREATMENT OF PRODUCTS PREVIOUSLY FOUND TO BE SUBJECT TO TIME AND EXTENT REQUIREMENTS.**—

“(A) Notwithstanding subsection (a), a drug described in subparagraph (B) may only be lawfully marketed, without an application approved under section 505, pursuant to an order issued under this section.

“(B) A drug described in this subparagraph is a drug which, prior to the date of the enactment of this section, the Secretary determined in a proposed or final rule to be ineligible for review under the OTC drug review (as such phrase ‘OTC drug review’ was used in section 330.14 of title 21, Code of Federal Regulations, as in effect on the day before the date of the enactment of this section).

“(3) **PRESERVATION OF AUTHORITY.**—

“(A) Nothing in paragraph (1) shall be construed to preclude or limit the applicability of any provision of this Act other than this section.

“(B) Nothing in subsection (a) shall be construed to prohibit the Secretary from issuing an order under this section finding a drug to be not generally recognized as safe and effective under section 201(p)(1), as the Secretary determines appropriate.

“(n) **INVESTIGATIONAL NEW DRUGS.**—A drug is not subject to this section if an exemption for investigational use under section 505(i) is in effect for such drug.

“(o) **INAPPLICABILITY OF PAPERWORK REDUCTION ACT.**—Chapter 35 of title 44, United States Code, shall not apply to collections of information made under this section.

“(p) **INAPPLICABILITY OF NOTICE AND COMMENT RULEMAKING AND OTHER REQUIREMENTS.**—The requirements of subsection (b) shall apply with respect to orders issued

under this section instead of the requirements of subchapter II of chapter 5 of title 5, United States Code.

“(q) **DEFINITIONS.**—In this section:

“(1) The term ‘nonprescription drug’ refers to a drug not subject to the requirements of section 503(b)(1).

“(2) The term ‘sponsor’ refers to any person marketing, manufacturing, or processing a drug that—

“(A) is listed pursuant to section 510(j); and

“(B) is or will be subject to an administrative order under this section of the Food and Drug Administration.

“(3) The term ‘requestor’ refers to any person or group of persons marketing, manufacturing, processing, or developing a drug.”

(b) **GAO STUDY.**—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate addressing the effectiveness and overall impact of exclusivity under section 505G of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and section 586C of such Act (21 U.S.C. 360fff-3), including the impact of such exclusivity on consumer access. Such study shall include—

(1) an analysis of the impact of exclusivity under such section 505G for nonprescription drug products, including—

(A) the number of nonprescription drug products that were granted exclusivity and the indication for which the nonprescription drug products were determined to be generally recognized as safe and effective;

(B) whether the exclusivity for such drug products was granted for—

(i) a new active ingredient (including any ester or salt of the active ingredient); or

(ii) changes in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor were essential;

(C) whether, and to what extent, the exclusivity impacted the requestor’s or sponsor’s decision to develop the drug product;

(D) an analysis of the implementation of the exclusivity provision in such section 505G, including—

(i) the resources used by the Food and Drug Administration;

(ii) the impact of such provision on innovation, as well as research and development in the nonprescription drug market;

(iii) the impact of such provision on competition in the nonprescription drug market;

(iv) the impact of such provision on consumer access to nonprescription drug products;

(v) the impact of such provision on the prices of nonprescription drug products; and

(vi) whether the administrative orders initiated by requestors under such section 505G have been sufficient to encourage the development of nonprescription drug products that would likely not be otherwise developed, or developed in as timely a manner; and

(E) whether the administrative orders initiated by requestors under such section 505G have been sufficient incentive to encourage innovation in the nonprescription drug market; and

(2) an analysis of the impact of exclusivity under such section 586C for sunscreen ingredients, including—

(A) the number of sunscreen ingredients that were granted exclusivity and the specific ingredient that was determined to be generally recognized as safe and effective;

(B) whether, and to what extent, the exclusivity impacted the requestor’s or sponsor’s decision to develop the sunscreen ingredient;

(C) whether, and to what extent, the sunscreen ingredient granted exclusivity had previously been available outside of the United States;

(D) an analysis of the implementation of the exclusivity provision in such section 586C, including—

(i) the resources used by the Food and Drug Administration;

(ii) the impact of such provision on innovation, as well as research and development in the sunscreen market;

(iii) the impact of such provision on competition in the sunscreen market;

(iv) the impact of such provision on consumer access to sunscreen products;

(v) the impact of such provision on the prices of sunscreen products; and

(vi) whether the administrative orders initiated by requestors under such section 505G have been utilized by sunscreen ingredient sponsors and whether such process has been sufficient to encourage the development of sunscreen ingredients that would likely not be otherwise developed, or developed in as timely a manner; and

(E) whether the administrative orders initiated by requestors under such section 586C have been sufficient incentive to encourage innovation in the sunscreen market.

(c) **CONFORMING AMENDMENT.**—Section 751(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379(d)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “final regulation promulgated” and inserting “final order under section 505G”; and

(B) by striking “and not misbranded”; and

(2) in subparagraph (A), by striking “regulation in effect” and inserting “regulation or order in effect”.

#### **SEC. 102. MISBRANDING.**

Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

“(ee) If it is a nonprescription drug that is subject to section 505G, is not the subject of an application approved under section 505, and does not comply with the requirements under section 505G.

“(ff) If it is a drug and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744M.”.

#### **SEC. 103. DRUGS EXCLUDED FROM THE OVER-THE-COUNTER DRUG REVIEW.**

(a) **IN GENERAL.**—Nothing in this Act (or the amendments made by this Act) shall apply to any nonprescription drug (as defined in section 505G(q) of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act) which was excluded by the Food and Drug Administration from the Over-the-Counter Drug Review in accordance with the paragraph numbered 25 on page 9466 of volume 37 of the Federal Register, published on May 11, 1972.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preclude or limit the applicability of any other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

#### **SEC. 104. TREATMENT OF SUNSCREEN INNOVATION ACT.**

(a) **REVIEW OF NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS.**—

(1) **APPLICABILITY OF SECTION 505G FOR PENDING SUBMISSIONS.**—

(A) **IN GENERAL.**—A sponsor of a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that, as of the date of enactment of this Act, is subject to a proposed sunscreen order under section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff-3) may elect, by means of giving

written notification to the Secretary of Health and Human Services within 180 calendar days of the enactment of this Act, to transition into the review of such ingredient or combination of ingredients pursuant to the process set out in section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act; and

(ii) such order is deemed to have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 180 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)—

(i) shall continue under section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff-3); and

(ii) shall not be eligible for review under section 505G, added by section 101 of this Act.

(2) DEFINITIONS.—In this subsection, the terms “sponsor”, “nonprescription”, “sunscreen active ingredient”, and “proposed sunscreen order” have the meanings given to those terms in section 586 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff).

(b) AMENDMENTS TO SUNSCREEN PROVISIONS.—

(1) FINAL SUNSCREEN ORDERS.—Paragraph (3) of section 586C(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff-3(e)) is amended to read as follows:

“(3) RELATIONSHIP TO ORDERS UNDER SECTION 505G.—A final sunscreen order shall be deemed to be a final order under section 505G.”.

(2) MEETINGS.—Paragraph (7) of section 586C(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff-3(b)) is amended—

(A) by striking “A sponsor may request” and inserting the following:

“(A) IN GENERAL.—A sponsor may request”;

and

(B) by adding at the end the following:

“(B) CONFIDENTIAL MEETINGS.—A sponsor may request one or more confidential meetings with respect to a proposed sunscreen order, including a letter deemed to be a proposed sunscreen order under paragraph (3), to discuss matters relating to data requirements to support a general recognition of safety and effectiveness involving confidential information and public information related to such proposed sunscreen order, as appropriate. The Secretary shall convene a confidential meeting with such sponsor in a reasonable time period. If a sponsor requests more than one confidential meeting for the same proposed sunscreen order, the Secretary may refuse to grant an additional confidential meeting request if the Secretary determines that such additional confidential meeting is not reasonably necessary for the sponsor to advance its proposed sunscreen order, or if the request for a confidential meeting fails to include sufficient information upon which to base a substantive discussion. The Secretary shall publish a post-meeting summary of each confidential meeting under this subparagraph that does not disclose confidential commercial information or trade secrets. This subparagraph does not authorize the disclosure of confidential commercial information or trade secrets

subject to 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.”.

(3) EXCLUSIVITY.—Section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff-3) is amended by adding at the end the following:

“(f) EXCLUSIVITY.—

“(1) IN GENERAL.—A final sunscreen order shall have the effect of authorizing solely the order requestor (or the licensees, assignees, or successors in interest of such requestor with respect to the subject of such request and listed under paragraph (5)) for a period of 18 months, to market a sunscreen ingredient under this section incorporating changes described in paragraph (2) subject to the limitations under paragraph (4), beginning on the date the requestor (or any licensees, assignees, or successors in interest of such requestor with respect to the subject of such request and listed under paragraph (5)) may lawfully market such sunscreen ingredient pursuant to the order.

“(2) CHANGES DESCRIBED.—A change described in this paragraph is a change subject to an order specified in paragraph (1) that permits a sunscreen to contain an active sunscreen ingredient not previously incorporated in a marketed sunscreen listed in paragraph (3).

“(3) MARKETED SUNSCREEN.—The marketed sunscreen ingredients described in this paragraph are sunscreen ingredients—

“(A) marketed in accordance with a final monograph for sunscreen drug products set forth at part 352 of title 21, Code of Federal Regulations (as published at 64 Fed. Reg. 27687); or

“(B) marketed in accordance with a final order issued under this section.

“(4) LIMITATIONS ON EXCLUSIVITY.—Only one 18-month period may be granted per ingredient under paragraph (1).

“(5) LISTING OF LICENSEES, ASSIGNEES, OR SUCCESSORS IN INTEREST.—Requestors shall submit to the Secretary at the time when a drug subject to such request is introduced or delivered for introduction into interstate commerce, a list of licensees, assignees, or successors in interest under paragraph (1).”.

(4) SUNSET PROVISION.—Subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff et seq.) is amended by adding at the end the following:

“SEC. 586H. SUNSET.

“This subchapter shall cease to be effective at the end of fiscal year 2022.”.

(5) TREATMENT OF FINAL SUNSCREEN ORDER.—The Federal Food, Drug, and Cosmetic Act is amended by striking section 586E of such Act (21 U.S.C. 360fff-5).

(c) TREATMENT OF AUTHORITY REGARDING FINALIZATION OF SUNSCREEN MONOGRAPH.—

(1) IN GENERAL.—

(A) REVISION OF FINAL SUNSCREEN ORDER.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall amend and revise the final administrative order concerning nonprescription sunscreen (referred to in this subsection as the “sunscreen order”) for which the content, prior to the date of enactment of this Act, was represented by the final monograph for sunscreen drug products set forth in part 352 of title 21, Code of Federal Regulations (as in effect on May 21, 1999).

(B) ISSUANCE OF REVISED SUNSCREEN ORDER; EFFECTIVE DATE.—A revised sunscreen order described in subparagraph (A) shall be—

(i) issued in accordance with the procedures described in section 505G(b)(2) of the Federal Food, Drug, and Cosmetic Act;

(ii) issued in proposed form not later than 18 months after the date of enactment of this Act; and

(iii) issued by the Secretary at least 1 year prior to the effective date of the revised order.

(2) REPORTS.—If a revised sunscreen order issued under paragraph (1) does not include provisions related to the effectiveness of various sun protection factor levels, and does not address all dosage forms known to the Secretary to be used in sunscreens marketed in the United States without a new drug application approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the rationale for omission of such provisions from such order, and a plan and timeline to compile any information necessary to address such provisions through such order.

(d) TREATMENT OF NON-SUNSCREEN TIME AND EXTENT APPLICATIONS.—

(1) IN GENERAL.—Any application described in section 586F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff-6) that was submitted to the Secretary pursuant to section 330.14 of title 21, Code of Federal Regulations, as such provisions were in effect immediately prior to the date of enactment of this Act, shall be extinguished as of such date of enactment, subject to paragraph (2).

(2) ORDER REQUEST.—Nothing in paragraph (1) precludes the submission of an order request under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act, with respect to a drug that was the subject of an application extinguished under paragraph (1).

#### SEC. 105. ANNUAL UPDATE TO CONGRESS ON APPROPRIATE PEDIATRIC INDICATION FOR CERTAIN OTC COUGH AND COLD DRUGS.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Health and Human Services shall, beginning not later than 1 year after the date of enactment of this Act, annually submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a letter describing the progress of the Food and Drug Administration—

(1) in evaluating the cough and cold monograph described in subsection (b) with respect to children under age 6; and

(2) as appropriate, revising such cough and cold monograph to address such children through the order process under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act.

(b) COUGH AND COLD MONOGRAPH DESCRIBED.—The cough and cold monograph described in this subsection consists of the conditions under which nonprescription drugs containing antitussive, expectorant, nasal decongestant, or antihistamine active ingredients (or combinations thereof) are generally recognized as safe and effective, as specified in part 341 of title 21, Code of Federal Regulations (as in effect immediately prior to the date of enactment of this Act), and included in an order deemed to be established under section 505G(b) of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act.

(c) DURATION OF AUTHORITY.—The requirement under subsection (a) shall terminate as of the date of a letter submitted by the Secretary of Health and Human Services pursuant to such subsection in which the Secretary indicates that the Food and Drug Administration has completed its evaluation and revised, in a final order, as applicable, the cough and cold monograph as described in subsection (a)(2).

**SEC. 106. TECHNICAL CORRECTIONS.**

(a) IMPORTS AND EXPORTS.—Section 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking “subparagraph” each place such term appears and inserting “paragraph”.

(b) FDA REAUTHORIZATION ACT OF 2017.—

(1) IN GENERAL.—Section 905(b)(4) of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended by striking “Section 744H(e)(2)(B)” and inserting “Section 744H(f)(2)(B)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of the enactment of the FDA Reauthorization Act of 2017 (Public Law 115–52).

**TITLE II—USER FEES****SEC. 201. SHORT TITLE; FINDING.**

(a) SHORT TITLE.—This title may be cited as the “Over-the-Counter Monograph User Fee Act of 2019”.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to OTC monograph drug activities, as set forth in the goals identified for purposes of part 10 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

**SEC. 202. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by inserting after part 9 the following:

**“PART 10—FEES RELATING TO OVER-THE-COUNTER DRUGS****“SEC. 744L. DEFINITIONS.**

“In this part:

“(1) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(2) The term ‘contract manufacturing organization facility’ means an OTC monograph drug facility where neither the owner of such manufacturing facility nor any affiliate of such owner or facility sells the OTC monograph drug produced at such facility directly to wholesalers, retailers, or consumers in the United States.

“(3) The term ‘costs of resources allocated for OTC monograph drug activities’ means the expenses in connection with OTC monograph drug activities for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and costs related to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

“(D) collecting fees under section 744M and accounting for resources allocated for OTC monograph drug activities.

“(4) The term ‘FDA establishment identifier’ is the unique number automatically generated by Food and Drug Administra-

tion’s Field Accomplishments and Compliance Tracking System (FACTS) (or any successor system).

“(5) The term ‘OTC monograph drug’ means a nonprescription drug without an approved new drug application which is governed by the provisions of section 505G.

“(6) The term ‘OTC monograph drug activities’ means activities of the Secretary associated with OTC monograph drugs and inspection of facilities associated with such products, including the following activities:

“(A) The activities necessary for review and evaluation of OTC monographs and OTC monograph order requests, including—

“(i) orders proposing or finalizing applicable conditions of use for OTC monograph drugs;

“(ii) orders affecting status regarding general recognition of safety and effectiveness of an OTC monograph ingredient or combination of ingredients under specified conditions of use;

“(iii) all OTC monograph drug development and review activities, including intra-agency collaboration;

“(iv) regulation and policy development activities related to OTC monograph drugs;

“(v) development of product standards for products subject to review and evaluation;

“(vi) meetings referred to in section 505G(i);

“(vii) review of labeling prior to issuance of orders related to OTC monograph drugs or conditions of use; and

“(viii) regulatory science activities related to OTC monograph drugs.

“(B) Inspections related to OTC monograph drugs.

“(C) Monitoring of clinical and other research conducted in connection with OTC monograph drugs.

“(D) Safety activities with respect to OTC monograph drugs, including—

“(i) collecting, developing, and reviewing safety information on OTC monograph drugs, including adverse event reports;

“(ii) developing and using improved adverse event data-collection systems, including information technology systems; and

“(iii) developing and using improved analytical tools to assess potential safety risks, including access to external databases.

“(E) Other activities necessary for implementation of section 505G.

“(7) The term ‘OTC monograph order request’ means a request for an order submitted under section 505G(b)(5).

“(8) The term ‘Tier 1 OTC monograph order request’ means any OTC monograph order request not determined to be a Tier 2 OTC monograph order request.

“(9)(A) The term ‘Tier 2 OTC monograph order request’ means, subject to subparagraph (B), an OTC monograph order request for—

“(i) the reordering of existing information in the drug facts label of an OTC monograph drug;

“(ii) the addition of information to the other information section of the drug facts label of an OTC monograph drug, as limited by section 201.66(c)(7) of title 21, Code of Federal Regulations (or any successor regulations);

“(iii) modification to the directions for use section of the drug facts label of an OTC monograph drug, if such changes conform to changes made pursuant to section 505G(c)(3)(A);

“(iv) the standardization of the concentration or dose of a specific finalized ingredient within a particular finalized monograph;

“(v) a change to ingredient nomenclature to align with nomenclature of a standards-setting organization; or

“(vi) addition of an interchangeable term in accordance with section 330.1 of title 21,

Code of Federal Regulations (or any successor regulations).

“(B) The Secretary may, based on program implementation experience or other factors found appropriate by the Secretary, characterize any OTC monograph order request as a Tier 2 OTC monograph order request (including recharacterizing a request from Tier 1 to Tier 2) and publish such determination in a proposed order issued pursuant to section 505G.

“(10)(A) The term ‘OTC monograph drug facility’ means a foreign or domestic business or other entity that—

“(i) is—

“(I) under one management, either direct or indirect; and

“(II) at one geographic location or address engaged in manufacturing or processing the finished dosage form of an OTC monograph drug;

“(ii) includes a finished dosage form manufacturer facility in a contractual relationship with the sponsor of one or more OTC monograph drugs to manufacture or process such drugs; and

“(iii) does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: production of clinical research supplies, testing, or placement of outer packaging on packages containing multiple products, for such purposes as creating multipacks, when each monograph drug product contained within the overpackaging is already in a final packaged form prior to placement in the outer overpackaging.

“(B) For purposes of subparagraph (A)(i)(II), separate buildings or locations within close proximity are considered to be at one geographic location or address if the activities conducted in such buildings or locations are—

“(i) closely related to the same business enterprise;

“(ii) under the supervision of the same local management; and

“(iii) under a single FDA establishment identifier and capable of being inspected by the Food and Drug Administration during a single inspection.

“(C) If a business or other entity would meet criteria specified in subparagraph (A), but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

“(11) The term ‘OTC monograph drug meeting’ means any meeting regarding the content of a proposed OTC monograph order request.

“(12) The term ‘person’ includes an affiliate of a person.

“(13) The terms ‘requestor’ and ‘sponsor’ have the meanings given such terms in section 505G.

**“SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONOGRAPH FEES.**

“(a) TYPES OF FEES.—Beginning with fiscal year 2021, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) FACILITY FEE.—

“(A) IN GENERAL.—Each person that owns a facility identified as an OTC monograph drug facility on December 31 of the fiscal year or at any time during the preceding 12-month period shall be assessed an annual fee for each such facility as determined under subsection (c).

“(B) EXCEPTIONS.—

“(i) FACILITIES THAT CEASE ACTIVITIES.—A fee shall not be assessed under subparagraph (A) if the identified OTC monograph drug facility—

“(I) has ceased all activities related to OTC monograph drugs prior to December 31

of the year immediately preceding the applicable fiscal year; and

“(II) has updated its registration to reflect such change under the requirements for drug establishment registration set forth in section 510.

“(ii) CONTRACT MANUFACTURING ORGANIZATIONS.—The amount of the fee for a contract manufacturing organization facility shall be equal to two-thirds of the amount of the fee for an OTC monograph drug facility that is not a contract manufacturing organization facility.

“(C) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (c).

“(D) DUE DATE.—

“(i) FOR FIRST PROGRAM YEAR.—For fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—

“(I) the first business day of June of 2020; or

“(II) 45 calendar days after publication of the Federal Register notice provided for under subsection (c)(4)(A).

“(ii) SUBSEQUENT FISCAL YEARS.—For each fiscal year after fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—

“(I) the first business day of June of such year; or

“(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

“(2) OTC MONOGRAPH ORDER REQUEST FEE.—

“(A) IN GENERAL.—Each person that submits an OTC monograph order request shall be subject to a fee for an OTC monograph order request. The amount of such fee shall be—

“(i) for a Tier 1 OTC monograph order request, \$500,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)); and

“(ii) for a Tier 2 OTC monograph order request, \$100,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)).

“(B) DUE DATE.—The OTC monograph order request fees required under subparagraph (A) shall be due on the date of submission of the OTC monograph order request.

“(C) EXCEPTION FOR CERTAIN SAFETY CHANGES.—A person who is named as the requestor in an OTC monograph order shall not be subject to a fee under subparagraph (A) if the Secretary finds that the OTC monograph order request seeks to change the drug facts labeling of an OTC monograph drug in a way that would add to or strengthen—

“(i) a contraindication, warning, or precaution;

“(ii) a statement about risk associated with misuse or abuse; or

“(iii) an instruction about dosage and administration that is intended to increase the safe use of the OTC monograph drug.

“(D) REFUND OF FEE IF ORDER REQUEST IS RECATEGORIZED AS A TIER 2 OTC MONOGRAPH ORDER REQUEST.—If the Secretary determines that an OTC monograph request initially characterized as Tier 1 shall be re-characterized as a Tier 2 OTC monograph order request, and the requestor has paid a Tier 1 fee in accordance with subparagraph (A)(i), the Secretary shall refund the requestor the difference between the Tier 1 and Tier 2 fees determined under subparagraphs (A)(i) and (A)(ii), respectively.

“(E) REFUND OF FEE IF ORDER REQUEST REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any order request which is refused for filing or was withdrawn before being accepted or refused for filing.

“(F) FEES FOR ORDER REQUESTS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—An OTC monograph order request that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest.

“(G) REFUND OF FEE IF ORDER REQUEST WITHDRAWN.—If an order request is withdrawn after the order request was filed, the Secretary may refund the fee or a portion of the fee if no substantial work was performed on the order request after the application was filed. The Secretary shall have the sole discretion to refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this subparagraph shall not be reviewable.

“(3) REFUNDS.—

“(A) IN GENERAL.—Other than refunds provided pursuant to any of subparagraphs (D) through (G) of paragraph (2), the Secretary shall not refund any fee paid under paragraph (1) except as provided in subparagraph (B).

“(B) DISPUTES CONCERNING FEES.—To qualify for the return of a fee claimed to have been paid in error under paragraph (1) or (2), a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid.

“(4) NOTICE.—Within the timeframe specified in subsection (c), the Secretary shall publish in the Federal Register the amount of the fees under paragraph (1) for such fiscal year.

“(b) FEE REVENUE AMOUNTS.—

“(1) FISCAL YEAR 2021.—For fiscal year 2021, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

“(A) the annual base revenue for fiscal year 2021 (as determined under paragraph (3));

“(B) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2)); and

“(C) additional direct cost adjustments (as determined under subsection (c)(3)).

“(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

“(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

“(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

“(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2));

“(D) additional direct cost adjustments (as determined under subsection (c)(3)); and

“(E) additional dollar amounts for each fiscal year as follows:

“(i) \$7,000,000 for fiscal year 2022.

“(ii) \$6,000,000 for fiscal year 2023.

“(iii) \$7,000,000 for fiscal year 2024.

“(iv) \$3,000,000 for fiscal year 2025.

“(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1)(A) and (2)(A), the dollar amount of the annual base revenue for a fiscal year shall be—

“(A) for fiscal year 2021, \$8,000,000; and

“(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

“(C) ADJUSTMENTS; ANNUAL FEE SETTING.—

“(1) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the in-

flation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

“(i) such annual base revenue for the fiscal year under subsection (b)(2); and

“(ii) the inflation adjustment percentage under subparagraph (C).

“(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

“(i) the applicable fee under subsection (a)(2) for the preceding fiscal year; and

“(ii) the inflation adjustment percentage under subparagraph (C).

“(C) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to—

“(i) for each of fiscal years 2022 and 2023, the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data; and

“(ii) for each of fiscal years 2024 and 2025, the sum of—

“(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of OTC monograph drug activities for the first 3 years of the preceding 4 fiscal years; and

“(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of OTC monograph drug activities for the first 3 years of the preceding 4 fiscal years.

“(2) OPERATING RESERVE ADJUSTMENT.—

“(A) IN GENERAL.—For fiscal year 2021 and subsequent fiscal years, for purposes of subsections (b)(1)(B) and (b)(2)(C), the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenue and fees if such an adjustment is necessary to provide operating reserves of carryover user fees for OTC monograph drug activities for not more than the number of weeks specified in subparagraph (B).

“(B) NUMBER OF WEEKS.—The number of weeks specified in this subparagraph is—

“(i) 3 weeks for fiscal year 2021;

“(ii) 7 weeks for fiscal year 2022;

“(iii) 10 weeks for fiscal year 2023;

“(iv) 10 weeks for fiscal year 2024; and

“(v) 10 weeks for fiscal year 2025.

“(C) DECREASE.—If the Secretary has carryover balances for such process in excess of 10 weeks of the operating reserves referred to in subparagraph (A), the Secretary shall decrease the fee revenue and fees referred to in such subparagraph to provide for not more than 10 weeks of such operating reserves.

“(D) RATIONALE FOR ADJUSTMENT.—If an adjustment under this paragraph is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under paragraph (4) establishing fee revenue and fees for the fiscal year involved.

“(3) ADDITIONAL DIRECT COST ADJUSTMENT.—The Secretary shall, in addition to adjustments under paragraphs (1) and (2),



further increase the fee revenue and fees for purposes of subsection (b)(2)(D) by an amount equal to—

- “(A) \$14,000,000 for fiscal year 2021;
- “(B) \$7,000,000 for fiscal year 2022;
- “(C) \$4,000,000 for fiscal year 2023;
- “(D) \$3,000,000 for fiscal year 2024; and
- “(E) \$3,000,000 for fiscal year 2025.

“(4) ANNUAL FEE SETTING.—

“(A) FISCAL YEAR 2021.—The Secretary shall, not later than the second Monday in March of 2020—

“(i) establish OTC monograph drug facility fees for fiscal year 2021 under subsection (a), based on the revenue amount for such year under subsection (b) and the adjustments provided under this subsection; and

“(ii) publish fee revenue, facility fees, and OTC monograph order requests in the Federal Register.

“(B) SUBSEQUENT FISCAL YEARS.—The Secretary shall, for each fiscal year that begins after September 30, 2021, not later than the second Monday in March that precedes such fiscal year—

“(i) establish for such fiscal year, based on the revenue amounts under subsection (b) and the adjustments provided under this subsection—

“(I) OTC monograph drug facility fees under subsection (a)(1); and

“(II) OTC monograph order request fees under subsection (a)(2); and

“(ii) publish such fee revenue amounts, facility fees, and OTC monograph order request fees in the Federal Register.

“(d) IDENTIFICATION OF FACILITIES.—Each person that owns an OTC monograph drug facility shall submit to the Secretary the information required under this subsection each year. Such information shall, for each fiscal year—

“(1) be submitted as part of the requirements for drug establishment registration set forth in section 510; and

“(2) include for each such facility, at a minimum, identification of the facility's business operation as that of an OTC monograph drug facility.

“(e) EFFECT OF FAILURE TO PAY FEES.—

“(1) OTC MONOGRAPH DRUG FACILITY FEE.—

“(A) IN GENERAL.—Failure to pay the fee under subsection (a)(1) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

“(i) The Secretary shall place the facility on a publicly available arrears list.

“(ii) All OTC monograph drugs manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(ff).

“(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(1) is paid.

“(2) ORDER REQUESTS.—An OTC monograph order request submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person under this section have been paid.

“(3) MEETINGS.—A person subject to fees under this section shall be considered ineligible for OTC monograph drug meetings until all such fees owed by such person have been paid.

“(f) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from

the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for OTC monograph drug activities.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—Subject to subparagraph (C), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year.

“(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available to defray increases in the costs of the resources allocated for OTC monograph drug activities (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than \$12,000,000, multiplied by the adjustment factor applicable to the fiscal year involved under subsection (c)(1).

“(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs funded by appropriations and allocated for OTC monograph drug activities are not more than 15 percent below the level specified in such subparagraph.

“(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2021), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2021 through 2025, there is authorized to be appropriated for fees under this section an amount equal to the total amount of fees assessed for such fiscal year under this section.

“(g) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in OTC monograph drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

“SEC. 744N. REAUTHORIZATION; REPORTING REQUIREMENTS.

“(a) PERFORMANCE REPORT.—Beginning with fiscal year 2021, and not later than 120 calendar days after the end of each fiscal year thereafter for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals.

“(b) FISCAL REPORT.—Not later than 120 calendar days after the end of fiscal year 2021

and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the internet website of the Food and Drug Administration.

“(d) REAUTHORIZATION.—

“(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for OTC monograph drug activities for the first 5 fiscal years after fiscal year 2025, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(A) the Committee on Energy and Commerce of the House of Representatives;

“(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(C) scientific and academic experts;

“(D) health care professionals;

“(E) representatives of patient and consumer advocacy groups; and

“(F) the regulated industry.

“(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

“(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

“(B) publish such recommendations in the Federal Register;

“(C) provide for a period of 30 calendar days for the public to provide written comments on such recommendations;

“(D) hold a meeting at which the public may present its views on such recommendations; and

“(E) after consideration of such public views and comments, revise such recommendations as necessary.

“(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2025, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.”

EXECUTIVE SESSION—Continued

The PRESIDING OFFICER. The Senate will resume executive session.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—S. 1060

Mr. VAN HOLLEN. Madam President, after a discussion that we will have on the Senate floor, I intend to ask unanimous consent that the Senate pass S. 1060, which is a bipartisan piece of legislation called the DETER Act.

What is the DETER Act? The DETER Act is legislation that I introduced with Senator RUBIO. It has bipartisan sponsorship, and it is designed to send a very clear and simple message to Russia or any other countries that are thinking about interfering with our elections and undermining our democracy that, if we catch you, you will suffer a severe penalty. It won't be a few

sanctions against a few of the oligarchs. It will hit big parts of your economy. It will hit your banking sector. It will hit your energy sector. It will hurt, so you better think before you try to interfere in any future election.

Now, Senator RUBIO and I introduced this legislation a number of years ago, and in response to concerns that were raised, we made a number of important changes, but despite those changes, we are still here in the U.S. Senate with less than 1 year to go before a national election, and we have not passed this bill to deter foreign interference in our elections.

We know what Vladimir Putin's ambitions are. He wants to sow division in our electorate. He wants to make our political process even more polarized. He wants to undermine the public faith in the democratic process. That is not just my conclusion. That is the unanimous verdict of the U.S. Intelligence Committee and the community after the 2016 election, but it is not just them.

Our own Senate Intelligence Committee, on a bipartisan basis, issued its findings. It also found that those were Putin's intentions, and it found that, in 2016, Russia interfered in all 50 of the States, to a greater or lesser extent—all 50 of the States. And what Vladimir Putin clearly has learned and taken away from all of this is that he can attack our democracy and attack our elections with impunity because the rewards are high. He creates division. He accomplishes his objectives. And the price is zero. There is currently no cost to Vladimir Putin from interfering in our elections.

So what the DETER Act is designed to do is to raise the costs for the coming elections, to make it clear that, if we catch you next time, there will be a penalty to pay. We know that Putin hasn't gotten this message because there is no penalty right now, and that is why, on November 5, just a few weeks ago, we got another unanimous prediction from U.S. intelligence agencies. All of them jointly stated:

Russia, China, Iran, and other foreign malicious actors all will seek to interfere in the voting process or influence voter perceptions. Adversaries may try to accomplish their goals through a variety of means, including social media campaigns, directing disinformation operations or conducting disruptive or destructive cyber-attacks on state and local infrastructure.

That was just a few weeks ago—unanimously, from the intelligence agencies. Clearly, Vladimir Putin hasn't gotten the message. What the DETER Act is all about is sending that message that he will now know that there will be a penalty to pay upfront.

Look, there are only two ways we can protect our elections, and we need to do both. One is to harden our election infrastructure here at home, which is to try to make it harder for somebody to use cyber attacks to get into our election systems and make it harder for them to abuse our social media

platforms. This is a case where the best defense is a good offense because we can harden our systems, but you can be sure that the Russian Government cyber security folks will always be looking for a way around it, just like the arms race. So just like the arms race, deterrence is the best way to protect the integrity of our democracy by letting them know upfront that there will be this very tough price to pay.

We hoped and thought we could address this issue in the National Defense Authorization Act. What better place is there to defend the integrity of our democracy than in the legislation that is designed to protect our national security? In fact, the U.S. Senate unanimously passed the resolution I have in my hand, S. Res. 330, which says very clearly that we wanted folks at the NDAA conference to require the administration—any administration, future administration—to promptly submit a report on Russian interference or other interference following every Federal election, and that would include a detailed assessment of the foreign governments that were involved in that interference. The Senate, as part of that resolution, also voted to promptly impose sanctions on any foreign government determined to have interfered in a future Federal election, including individuals and entities within that country's territories.

Let me emphasize that point. Every Senator here supported that—or at least nobody objected to that. We have been working for over 2 years to get this done, and we keep hearing that the Trump administration doesn't want to do it. Of course, we haven't been told by the Trump administration why they object. Even Secretary Pompeo, in testimony before the Senate Foreign Relations Committee, said he supported the concept. In fact, every witness in the Senate Banking Committee and Senate Foreign Relations Committee asked about this and supported this legislation. You have to ask the question why: Why is there such opposition? If it is because of President Trump, we need to be doing our job here in the legislature, not the bidding of the White House.

I yield to the Democratic leader.

Mr. SCHUMER. Madam President, I thank my colleague from Maryland for his diligence in this issue of utmost importance to the integrity of our elections, to our national security, and basically for trust in government. If the American people feel that a foreign country can interfere in their elections and, particularly, that their President is OK with that, I worry and pray for our democracy.

For the past few years, Senate Democrats have sought to pass legislation to improve the security of elections. There are many ways to do this—hardening our election infrastructure, shoring up cyber defenses, and requiring paper ballots. One of the most important has been advocated with passion and vigor by my colleague from Mary-

land, and that is deterring foreign adversaries from trying to interfere with elections in the first place.

For the past year, Democrats have been pushing legislation that would do just that by instituting mandatory crosscutting sanctions against any adversary—Russia, China, Iran, North Korea—that even dared to attempt to meddle in our democracy. It is a bipartisan idea. Senator VAN HOLLEN has legislation that is cosponsored by Senator RUBIO. We tried hard to pass this measure in the annual defense bill. Senate Republicans and Leader MCCONNELL blocked the provision from the final agreement.

Here we are today, asking our Republican colleagues to relent and allow this bipartisan legislation to pass the Senate on its own. Our top national security officials have warned us that our adversaries are right now—right now, as we speak—working on ever more sophisticated methods to meddle in our elections. That is what Putin does. He doesn't have the military power or the economic power, but he has long tentacles and clever ways to undermine our democracy. Are we going to stand there benignly and let it happen? That is outrageous.

Why have Leader MCCONNELL and Senate Republicans opposed it? I hope it is not because the Russian Foreign Minister is in town this week. I hope it is not because anyone wants to invite foreign interference.

I am worried that it is just as my colleague from Maryland said: Donald Trump, who has shown no regard for the rule of law, for fairness, for decency, or for honor, if he thinks Russian interference will help him, he says: Let's do it. What is bothersome is that my colleagues on the Republican side of the aisle move forward on his wishes, right to the undermining of our democracy.

I guarantee that if Leader MCCONNELL would allow the vote on this legislation, it would pass almost unanimously. Remember, the motion to instruct conferees on NDAA to include this legislation passed nearly unanimously. I would plead with my good friend—he is a good man from Idaho, Senator CRAPO—and I would plead with Leader MCCONNELL: Stop this now. If Trump is getting you to do this or if the White House is, which I suspect is true, that is not your duty to this country, and you must put that higher than your duty to President Trump.

I yield back to my friend.

Mr. VAN HOLLEN. Madam President, I thank the minority leader. As he indicated, the Russian Foreign Minister, Foreign Minister Lavrov, is in town. There is a report saying that Secretary Pompeo said to the Russians: Don't interfere in our elections.

Wagging your finger is not enough to scare off Vladimir Putin. That is why you need the DETER Act.

Of course, saying that is a big advance over the President of the United States, who has been denying Russian

interference in our elections. It is not enough to scold the Russians. It is not enough to scold Foreign Ministers. It is not enough to scold Vladimir Putin. You have to raise the price for interference, and they need to do it upfront.

Madam President, as in legislative session, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1060 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I think the record really needs to be set straight. The picture that is being painted here is that the Republicans or President Trump or both don't care about the fact that Russia is and has been trying to interfere in our elections and that, for some reason, our refusal to allow this specific act to move forward until it is fixed is evidence of that.

In support of that, he said that there is no penalty on the Russians because of their actions. I will remind my colleagues that I am the chairman of the committee that has jurisdiction over economic sanctions. On this floor, last Congress, we had this very debate. I was making the case then that we needed a broad, strong sanctions law against Russia for its election interference and not only for its election interference but also for its invasion of Crimea and for its cyber security attacks on the United States.

What happened then? We passed what I believe is probably the strongest, most extensive legislation putting into effect sanctions on Russia for election interference, for cyber security violations, for invasion of Crimea, and other malign conduct. Under that legislation, the administration has been active.

I want to read you just a little—I think that President Trump has probably put more sanctions on the Russians than any other President in our history. The Treasury's Russia sanctions program is among the most active of the sanctions programs that the United States has. This administration has sanctioned 335 Russian-related individuals and entities, 317 of which were sanctioned under Treasury authority.

By the way, the bill I referred to has an acronym. It is the Countering America's Adversaries Through Sanctions Act, or CAATSA. That is the legislation that the administration is using to deter Russian election interference and other activities in addition to other malign conduct.

Now, I want to state again, as my colleague knows, I agree and have

agreed that we can work on further legislation, but we need to get it right because economic sanctions legislation is a two-edged sword. It hurts the United States and our allies often as much as it hurts the entities sanctioned, and because of that, we have to have the ability to be flexible in when to apply, how to apply, and how to adjust the impact of our sanctions; otherwise, we will see that we will do more damage to ourselves and our allies than to Russia.

By the way, we don't just need legislation dealing with Russia. We need legislation dealing with the same types of activities from Iran and China and North Korea, to name just a few of the others. We need to do it with the appropriate mechanisms.

The mechanisms in this bill have been designed more to attack the Trump administration and Republicans than to attack the Russians and those who would attack our country and our elections. I have said again and again and again that if we can fix the mechanisms so that they will work effectively to work against our enemies and protect America and our allies, as our current sanctions regimes do, then we can move forward with legislation that will even enhance what we did in CAATSA.

I will also remind my colleague that in addition to CAATSA, one of the reasons we have been so active in the United States is that we have passed significant additional legislation. I remind my colleagues and everyone that in addition to CAATSA and the already existing IEEPA legislation, which are very broad and powerful international emergency economic authorities that have previously existed in the United States to help our administrations push back against malign conduct from our enemies, we have also passed the Ukraine Freedom Support Act. I referenced Crimea earlier. We have passed the Magnitsky Act. President Obama, President Trump, and I believe President Bush, before them, have issued significant Executive orders on their own with their Executive order authority to expand sanctioning authority.

To create the picture that there is no deterrent is false. To create the picture that the Trump administration is trying to turn a blind eye to Russia's malign conduct is false. To create the picture that the Republicans, because they want to get a mechanism that works properly, are therefore willing to turn a blind eye to Russia is false.

When we can finally stop trying to play politics with this issue, when we can stop trying to make it anti-Trump or anti-Republican or make politics out of the problems that Russia truly is creating for us, maybe we can come together and pass yet another strong piece of legislation to move forward—but not as long as it is done with mechanisms and with lack of flexibility that actually undermine our own economic security and our system in applying the sanctions. Because of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I want to address some of the comments made by the chairman of the Banking Committee and start by saying that I have appreciated the conversations he and I have had on this legislation over the years. Let me just address some of the comments that were made.

One is to say that, currently, the CAATSA scheme is enough to deter future Russian interference in our elections. If that were true, you would not have had every single one of our intelligence agencies just a few weeks ago predict that Russia will interfere in our elections again, along with other foreign malign actors.

If the laws on the books could deter that interference, why did they predict just a few weeks ago that they are coming for us in the upcoming elections?

Second, this is not a partisan attack on President Trump. This is a bipartisan bill. This bill not only has Senator RUBIO as the chief author, co-author of the legislation, there are a number of other Republican and Democratic Senators on this bill as cosponsors. In fact, they are evenly matched on this legislation.

This has nothing to do with President Trump. In fact, this determination and this law would not even kick in until after the 2020 elections. I don't know who is going to be President then. This has nothing to do with President Trump. This has to do with protecting our elections. Is it informed by what happened in 2016? You bet it is. We know—again, from all our intelligence committees and community agencies, every one of them headed by somebody nominated by President Trump—that the Russians attacked us in 2016. A few weeks ago they said the same thing will happen in 2020, and that will happen especially if we don't raise the price.

The CAATSA legislation, as the Senator knows, was put in place by an overwhelming veto-proof vote in the U.S. Senate. It was required because the Russians interfered, but it was retrospective. So, yes, we punished some of the oligarchs who were close to Vladimir Putin, but that is not enough, clearly, to raise the price to Vladimir Putin from deterring him from doing it again.

Again, we just heard that from our own intelligence agencies. If you want to raise the price for future interference, you need to not just hit a few oligarchs, you need to let them know, some of those Russian Government banks are going to get hit; their energy sector is going to get hit.

By the way, there is actually more flexibility in this bill than I would like. As the chairman of the committee knows, the original bill Senator RUBIO and I introduced did not have waiver authority for the President of the

United States. The version that is before us right now contains waiver authority for every single one of the sanctions if the President makes a national determination and says the waiver will not hurt our national security.

It has more flexibility than I would like because my view is you need to set up a machine that is almost automatic. If we catch you interfering, there will be a price to pay. Under this bill, if we catch them, yes, there will be sanctions, but the reality is, the President can decide to waive those sanctions.

We have come a long way. This is a bipartisan bill. This is about protecting our democracy. It is not about any particular individual or any particular President. It wouldn't even kick in until after the next elections, and those sanctions will only kick in if there is interference. The whole purpose of this bill is to have sanctions that are tough enough so Putin doesn't interfere or another foreign government doesn't interfere and so they don't go off the sanctions. That is the whole purpose.

I hope we will vote on this. The clock is ticking. I am going to be on this floor week after week until we come together and pass something that actually has some teeth and will deter that very foreign interference that every intelligence agency predicted will happen as recently as 5 weeks ago. That will happen unless we act.

I yield floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, not to belabor the point, but I just want to respond briefly. Yes, there are Republicans and Democrats on this bill, but many of the Members who are on this bill have told me they are ready and willing to amend and make it work.

I have offered and have tried now for months to get that done. I am willing to continue trying to improve and strengthen this bill, but the notion that this is just somehow trying to protect the President from having to make tough choices is simply false.

I will read today—as has been indicated, we have leaders from Russia in America today, and in response to that, our Secretary of State Pompeo said:

The Trump administration will always work to protect the integrity of our elections, period. . . . Should Russia or any foreign actor take steps to undermine our Democratic processes, we will take action in response.

All of the authorities in this legislation we are debating right now exists already under CAATSA. I guess the argument is that President Trump will not use them. Well, the reality is he will. Secondly, I have indicated my willingness to work on this legislation.

Rather than continuing to stand on the floor and debate why we like or don't like what President Trump is doing, I think we ought to get down to the serious business of legislating.

I yield the floor.

Mr. VAN HOLLEN. Madam President, I hope we will get down to the serious business of legislating. As I indicated in the hearings that have been held in the Senate Banking Committee and Senate Foreign Relations Committee, there was overwhelming support for moving forward with the DETER Act; that is, deter Russian interference in our elections.

I will say it again. This authority, this sanction, if there is interference, does not kick in until after the next Presidential election. It is not designed to focus on any particular President. It is designed together on a bipartisan basis—and this is a bipartisan bill—to set up a mechanism in advance to let Vladimir Putin or other malign foreign actors know, if they interfere, there will be a price to pay. Not maybe, not let's just guess about it, there will be a price to pay unless a President decides to waive it, which, as I said, was a concession we made to address people's concerns about some flexibility, but we need to send the upfront message that at least initially these sanctions will take effect, and they will hurt. That is the only way to deter someone like Vladimir Putin and the Russians from interfering in our elections: raise the price and make it clear they will pay it.

The PRESIDING OFFICER. The Senator from Nevada.

NOMINATION OF LAWRENCE VANDYKE

Ms. CORTEZ MASTO. Madam President, I rise today because of my firm opposition to Lawrence VanDyke's nomination to the Ninth Circuit Court of Appeals, which has jurisdiction over my home State of Nevada. Mr. VanDyke lacks the support of both his home State Senators, JACKY ROSEN and I. His qualifications are inadequate and his ties to Nevada are minimal.

His nomination sets a dangerous precedent for the Senate and would allow future administrations to nominate virtual outsiders to communities across the country over Senators' objections.

The President could have chosen a better nominee. Senator ROSEN and I tried to work with the administration to identify well-respected attorneys from Nevada as potential appeals court judges. Instead, the President decided to nominate someone with no current ties to our State, someone whom the American Bar Association has rated as "not qualified" for the Federal bench, someone who holds extreme beliefs about reproductive rights, LGBTQ rights, gun violence prevention, and environmental protection.

The American Bar Association interviewed 60 of Mr. VanDyke's former colleagues, and those colleagues characterized him as arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice, including procedural rules.

Mr. VanDyke's nomination is unprecedented for all of these reasons. If confirmed to the Ninth Circuit, Lawrence

VanDyke would be the first judicial nominee appointed to the bench without the support of his home State Senators, with a "not qualified" rating from the American Bar Association, and without ties to the community whose appeals court seat he would occupy.

I would like to ask my colleagues: What kind of message are we sending when we confirm individuals who don't have the support of their local communities?

We need judges with the knowledge, the maturity, and experience to understand the impact their decisions will have on the States over which they preside. How will my colleagues feel when a future administration attempts to do the same thing to their State, when a Democratic President, perhaps, nominates a Californian to sit on a district court in Kentucky or a lifelong DC resident is sent to a court in Texas?

Mr. VanDyke's qualifications and connections to Nevada are just one part of my objection to his confirmation. I also believe Mr. VanDyke's views are just too extreme to promote to the Federal bench. He signed the State of Montana on to a brief in an Arizona case that argued that *Roe v. Wade* "should . . . be revisited."

On LGBTQ protections, Mr. VanDyke at his confirmation hearings broke down in tears of frustration at the very idea that he might be unfair to LGBTQ litigants. He insisted that he believes in treating "all people . . . with dignity and respect," but he didn't treat LGBTQ people with dignity and respect when he wrote in a 2004 article that same-sex marriage hurts families, children, and society. It certainly doesn't reflect an attitude of dignity and respect to support extreme groups like the Family Research Council and the Alliance Defending Freedom, both of which have been designated as anti-LGBTQ hate groups by the Southern Poverty Law Center.

The people who can legitimately shed tears about Lawrence VanDyke's record on LGBTQ rights are those who are still shunned because of whom they love.

On the issue of preventing gun violence, Mr. VanDyke made his stance clear in a questionnaire the NRA sent to him when he was running for the Supreme Court of Montana. In his answers to the NRA's questions, Mr. VanDyke said he believed that "all gun control laws are misdirected." In Nevada, we believe in Second Amendment rights, but we also agree—as almost all Americans do—that commonsense measures like background checks keep us safer.

Finally, Mr. VanDyke has done his best to erode environmental standards and protections. As solicitor general of Nevada, he signed on to a lawsuit that threatened the critical sage grouse protections. Governor Sandoval, the Republican Governor at the time, said that lawsuit "did not represent the State of Nevada, the governor, or any state agencies."

The Western United States has some of the most fragile and iconic public lands in the Nation. I object to letting Mr. VanDyke oversee them when he seems to care so little for their values. Mr. VanDyke's record shows that he is not a neutral arbiter of the law. Because of his poor qualifications and because of his extreme activist approach to the law, I will vote against his confirmation, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

USMCA

Ms. ERNST. Madam President, there are just 21 days left in 2019. With the days dwindling, Congress has made little progress on its to-do list that without question must be addressed before going home for the holidays. This is largely due to the distractions and delays caused by the Democrats in this body and especially by those across the Capitol.

Let's take the United States-Mexico-Canada trade agreement. President Trump signed it over 1 year ago. If approved, USMCA would create 176,000 new jobs by expanding access to markets and providing much needed certainty for American businesses and farmers. Literally, everyone benefits. Yet here we are still waiting for the House Democrats to bring it up for a vote—a vote that would be broadly bipartisan.

Speaker PELOSI even admitted today that there is no question that USMCA is much better than NAFTA. I am hopeful the House will finally vote on the measure next week before leaving town. This would be a great Christmas gift for American workers, farmers, and businesses.

But it is not just on trade deals. We are now over 2 months into the new Federal fiscal year. Yet Congress still has not approved the annual funding bills for this fiscal year. These bills will actually fund the government. Yet Democrats are stalling and throwing up roadblocks at every turn. They are failing to support our servicemembers, including providing them with the largest pay raise in a decade.

Just recently, I was on the ground in Kuwait and Afghanistan to meet with our U.S. troops, including Iowans of the Des Moines-based 103rd Sustainment Command. These servicemembers are relying on Congress to do their job so that our military men and women can carry out their job of protecting our homeland. As a former company commander in Kuwait, I realize just how vital resources are to our troops.

Let's not forget that Democrats agreed to a framework months ago on all of these bills. Yet they have repeatedly blocked consideration of these bills.

Similarly, the authorization for the Violence Against Women Act—a law that is deeply personal to me—expired a year ago and remains in limbo. For

months, the ranking member of the Judiciary Committee and I worked to develop a bipartisan bill to renew the law, which provides desperately needed resources to prevent domestic and sexual abuse and care for our survivors. We were making real progress, but all of a sudden, Senate Democrats walked away from the progress we made in an apparent attempt to make violence against women an election issue.

Folks, we cannot allow our political differences to keep us from performing our most basic constitutional duties: to provide for the common defense, fund the operations of the Federal Government, and support women and children across this country facing sexual and domestic abuse. I plan on continuing to work with Senator FEINSTEIN without regard to the political winds because we have to stop playing politics with women's lives and our Nation's defense.

At a time when Democrats and Republicans in Washington can't find many areas of agreement, these are all issues on which we should and absolutely can find common ground. I implore my Democratic colleagues to end the obstruction and delay. Work with us to fund the government and support our servicemembers. Pass the USMCA and provide resources for my fellow survivors of domestic and sexual abuse. The American people are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I am privileged to be on the floor today with the Senator from Iowa, Ms. ERNST. I am here to join in a chorus of voices to ask this Congress to do better, to do our to-do list, and to do the things people sent us here to do. I am going to highlight some of the critical items Congress still needs to get done. Senator ERNST talked about them very eloquently.

When I am home in West Virginia, people ask me about policies that impact their everyday lives. They ask about healthcare. They ask about the pensions and healthcare for our retired miners. They ask about surprise medical bills. I have certainly received them, and many people in this country every day, 2 or 3 months after an operation or a visit to the hospital, may receive a bill in the mail they had no idea was coming their way.

The high cost of prescription drugs is an issue that hits many of us in our pocketbooks, and particularly for those who suffer from disease or who are elderly, it is a particular strain on their wallets. They ask about national security and caring for our veterans. Here is one everybody complains about, including all of us here—robocalls. Can somebody please stop the onslaught of robocalls?

We have legislation, but we are not getting the action on it that we need. We need better trade deals that will help grow our economy and support our American workers.

Do you know what they are not asking me about? My constituents are not asking me about the latest impeachment headline. They are not asking me about witnesses in front of a House committee or the newest "breaking news" over on the House side. In their minds—it is just a bunch of Washington hoopla to most people.

A few days ago, I ran into some constituents while I was running errands, and they said to me: Just stop this. Stop this. Something similar happened while I was grocery shopping. The butcher said to me: Aren't you just tired of it?

Well, yes, I am.

We have 2 weeks until Congress leaves for Christmas break and 21 days until the end of the month, and we still have so much to do. Our sole focus should be on legislating and making life better for people across the country.

I can tell you, as somebody who has been in this body and in the House for several years, when you rush to judgment and when you rush to legislate, that is when things that you don't know get into bills and things that you want in bills don't get into bills. So rushing into legislating is not the fair-est way to do it.

I am pleased that at long last, we are going to pass the National Defense Authorization Act that protects our national security and supports our men and women in uniform. We still need to pass appropriations bills that fund much of our Federal Government. I am the chairman of the Homeland Security Subcommittee, so I very much want to see us enact a bill that will provide critical resources to protect this country.

Homeland Security. Sure, we have Border Patrol, we have the wall, and we have ICE. Do you know what else we have? We have the Coast Guard, TSA, the Secret Service, FEMA—absolutely essential services. This includes funding for our immigration laws and also continuing to fund the work on the border wall system. I want to see us pass all 11 of these bills, as well as provide funding for our troops and our veterans. Funding medical research. I am committed to funding Alzheimer's research, addressing the opioid epidemic, infrastructure, and many other priorities.

I also have a priority that really affects just part of the country but deeply affects those of us in West Virginia. We need to enact the Bipartisan American Miners Act this year. Congress must act to save the healthcare of 13,000 retired miners and protect the pension benefits of about 92,000 people. More than 25,000 retired miners received benefits in West Virginia last year. We have a bipartisan bill to address this critical issue for our mining families and for West Virginia communities. It is critical that we pass this bill before the end of the year because this situation is getting more dire every single day.

The USMCA—United States-Mexico-Canada trade agreement—has been waiting for action all year, as Senator ERNST said. I am glad to see that Speaker PELOSI is finally moving on this. It is an agreement that will grow our economy and includes robust protections for American workers. We have to get this across the finish line.

I am especially proud of the work we are doing on the Environment and Public Works Committee. We passed a bipartisan 5-year highway bill. It had a unanimous vote, 21 to 0. It would help improve roads, highways, and bridges that Americans count on every day to travel safely, whether they are going to church, going to the job, or going on a family trip. Reauthorization of the Federal Surface Transportation Program is a top priority for the coming year.

We have a lot to do in the coming days, but we also have lots to do in the coming year. I hope we will work together and not practice the past practices of this year. I hope we will work together to get the job done.

I yield back.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I rise to speak today about the things Congress is failing to accomplish while Democrats in the House continue their obsession with impeaching this President to overturn the results of the 2016 election. Let's be clear. That is what is happening here. Democrats lost the election in 2016 and realized they are going to lose again in 2020. They are trying to use the impeachment process to hurt the President.

That is shameful enough, but let's think about what Congress is not doing. Congress is not passing a budget. Congress is not funding our military. Congress is not securing our border. Congress is not lowering the cost of prescription drugs. Congress is not doing the things the American people sent us to Washington to do.

I won't accept that. I have a background in business, and in the real world, if you don't do your job, you don't get paid. It is that simple. If Congress can't accomplish even the most basic tasks—passing a budget and appropriations bills in an orderly fashion—lawmakers shouldn't get a paycheck, period.

The current system is broken. No one takes responsibility, and there are no consequences. That should change. That is why we need to pass my No Budget, No Pay proposal now. Withholding paychecks from Members of Congress who fail to pass the budget will help prevent government shutdowns, which hurt the economy and millions of everyday Americans. It is also an important step to promote fiscal responsibility in the face of our staggering national debt, which stands at over \$23 trillion.

No Budget, No Pay is moving through Congress with bipartisan sup-

port. It was approved by the Senate Homeland Security and Governmental Affairs Committee in June, and it is included as part of the Prevent Government Shutdowns Act. We need to pass No Budget, No Pay now to show we are serious about the future of this Nation.

Members of Congress make \$174,000 a year. All we are asking them to do is the most basic function of government—pass the budget. It is not complicated. If you are a Member of Congress, rich or poor, and you don't believe Congress can or should pass a budget every year, then go home. There are lots of other competent people who can have your job. When the American people don't do their job, there are consequences.

It is time we make Washington just a little bit more like the real world, so I ask all my colleagues to join with me to pass No Budget, No Pay.

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. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASSIDY). Without objection, it is so ordered.

#### NOMINATION OF LAWRENCE VANDYKE

Mr. BLUMENTHAL. Mr. President, in the midst of all of the historic and profoundly significant events happening these days in Congress, there may be a temptation to overlook some of the judicial nominations that are coming to the floor of the Senate, some of them almost a caricature of the unqualified nominees that we have seen all too often. One is before us today, Lawrence VanDyke, who has been nominated to the Ninth Circuit.

Over the past 3 years, we have watched the Trump administration march ceaselessly to degrade the judiciary. Yet, even in having witnessed this travesty firsthand, I find Mr. VanDyke's nomination truly astonishing and alarming. Once again, we are faced with a nominee who lacks the support of his home State Senators, who is not even from the State for which this seat is designated, and who was rated "not qualified" by the American Bar Association. That is a pretty tough set of qualifications—or lack of them—to match, but Lawrence VanDyke has done it.

These departures from bedrock principles that once guided the exercise of the Senate's constitutional duty to advise and consent should disturb all of us, but even more disturbing is Mr. VanDyke's record as an unrelenting ideologue who has spent his entire legal career promoting an extreme political agenda. Unfortunately, that is exactly what we can expect of him if he is confirmed to the Ninth Circuit Court of Appeals. That ideological, rightwing, extremist image and record are exactly why he has been nominated by the President, who has outsourced many of

these decisions about nominations to the far-right groups that he feels, evidently, he has to follow.

Mr. VanDyke has already made it abundantly clear how he will rule on gun violence prevention issues. In an NRA questionnaire that he completed when he ran for the Montana Supreme Court in 2014, Mr. VanDyke stated that he would not support any legislation that would regulate firearms and ammunition; any restrictions on the possession, ownership, purchase, sale, or transfer of semiautomatic firearms; or legislation mandating the use of locking devices and safe storage procedures.

There are currently bills before Congress that would do each of these things. I should know, for I sponsored them. None of these proposals—none—would get a fair hearing in Mr. VanDyke's court. That predilection never disavowed, never refuted, never denied should be disqualifying.

Worse still, in the same questionnaire, Mr. VanDyke stated that the only reason he was not currently a member of the NRA was that he didn't "want to risk recusal if a lawsuit came before me where the NRA was involved." In other words, he would join the NRA; he supports the NRA; he feels like he should be a member of the NRA; and he wants to rule in favor of the NRA, but he might have to recuse himself if he were to join the NRA. That statement alone should be disqualifying.

Remember, we are talking about a life-tenured position on the Federal judiciary, not just for a few years. This is not an elected position on a State court. This is a Federal nomination to the second highest, appellate-level court in the United States, second only to the U.S. Supreme Court.

Mr. VanDyke's hostility to common-sense gun violence prevention also led him to challenge a law passed by the voters of a State he was charged with serving. In 2016—now we are talking about Nevada, not Montana—the voters of Nevada approved a ballot measure to expand background checks to cover the private sale of firearms. This closed a critical loophole in that State's laws. I have repeatedly emphasized that we must address this loophole at the Federal level. Nevada addressed it at the State level, but Mr. VanDyke, who was at the time that State's solicitor general, took the very unusual step of working to undermine the voter-approved law.

Meanwhile, when he worked for the Montana attorney general, he was all too happy to defend an extreme and poorly drafted State law that sought to exempt from all Federal regulation the firearms and ammunition that were made in Montana. Don't take my word for it, as Yogi Berra said. You can look it up. Mr. VanDyke himself stated in an email to the Federalist Society that this statute was "ill-advised" and that he could not come up with "any plausible (much less good arguments)" to



defend that State's law. That didn't stop Mr. VanDyke from defending the law nor did it stop the Federalist Society from providing him with the help he had requested in contriving arguments and concocting ill-founded claims to support the law.

When Mr. VanDyke wants a particular outcome but can't figure it out himself or he can't find the legal path to it, he turns to the Federalist Society for answers. There is no great mystery here about how he will act when he is faced with similar situations if he is confirmed as a judge for the Federal Court of Appeals for the Ninth Circuit.

Unfortunately, Mr. VanDyke's promotion of the NRA's extreme positions is far from the only plank of his far-right agenda. He has made many statements that are hostile to LGBTQ rights, including questioning the ability of gay parents to raise children and suggesting that protecting LGBTQ rights is an affront to religious liberty. He has fought tirelessly to uphold State bans on gay marriage, and he has fought to allow discrimination against LGBTQ people in public accommodations. His open hostility to LGBTQ people was one of the main reasons the ABA rated him "not qualified." Not only is it clear how he would rule on issues relating to those rights, but the ABA was not even confident that he could treat LGBTQ litigants fairly regardless of the issue before him. That is disqualifying.

Mr. VanDyke is also an ideologue on reproductive rights issues. His adherence to his extremist positions against women's healthcare and reproductive rights has blinded him to the need about these rights. In 2013, he signed an amicus brief that stated: "A growing body of scientific literature shows that a fetus can suffer physical pain at 20-weeks' gestation." That view was rejected emphatically by the American College of Obstetricians and Gynecologists, which felt compelled to put out a statement that laid this dangerous "fetal pain" myth to rest.

Whether he cannot tell the difference between fact and fiction or simply feels comfortable misleading the court, this kind of behavior is disturbing for a Federal judicial nominee. Ordinarily, this kind of indifference to the truth would be disqualifying for a Federal nominee. Ordinarily, blind adherence to ideology would be disqualifying for any nominee to an important position of trust and respect. Ordinarily, the fact that a nominee is unqualified would be disqualifying itself. Yet, for Mr. Trump, these are not disqualifying flaws. They are, in fact, the reasons for his nomination.

So let's send the White House a message that we will insist on qualified nominees. They may have views that are different from ours, but they should be qualified to hold these lifetime positions of trust on our Nation's highest courts. I hope that we will reject Mr. VanDyke's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I join my colleague from Connecticut, Senator BLUMENTHAL, and others in urging my colleagues to oppose the nomination of Lawrence VanDyke.

I may risk repeating some of the ground that has been covered by Senator BLUMENTHAL, but I think it is important enough that we reiterate over and over the dangerous nature of this particular nomination.

I have come down to speak on the floor in opposition to maybe only a handful of the President's judicial nominees. In fact, if you look up the voting record, I probably am amongst a very small handful of Democrats who have routinely voted for the President's nominees—not just judicial nominees but also his appointments to positions in his administration.

Often in committee, I am the only Democrat supporting some of the President's nominees and appointments, and that is because I have come to the conclusion that this body should give deference to the administration and to the President when it comes particularly to filling the positions of those who work for him in political appointments but to a degree as well in the judiciary.

So I put my votes where my test is, and probably with only two or three exceptions in the Democratic caucus, I have voted for more of the President's nominees than the rest of my colleagues on this side of the aisle. My test is pretty simple. One, I want individuals who are qualified. Obviously qualifications are sometimes in the eye of the beholder, but I want folks who know something about the job they are about to undertake or have some set of skills that will be relevant. Second, I want to make sure the candidates we are reviewing for judgeships or administration posts are not out of the mainstream—I mean the conservative mainstream. I don't want folks who have radical points of view.

Mr. VanDyke doesn't pass that test as far as I am concerned, and that is why I chose to come down to the floor and express my opposition to his nomination. In particular, I do not believe Mr. VanDyke is within the mainstream when it comes to his positions on the issue of gun violence.

Obviously this is a personal issue not just to me but to everybody in this Chamber, and we have a lot of disagreement—maybe a narrowing set of disagreements on the policy surrounding what we should do to better protect this country against the growing scourge of gun violence. But Mr. VanDyke has held a position that would take away from this body the ability to keep our friends and our neighbors and our constituents safe. Mr. VanDyke's record as a candidate for the supreme court and as solicitor general was to endorse views outside of the mainstream that would take away from us the ability to pass laws to keep people

safe. Let me tell you what I am talking about.

First and foremost, he was a vocal proponent of something called the Firearms Freedom Act. As solicitor general of Montana, he argued that the Federal Government should not have the power to regulate gun ownership in his State of Montana.

This is a political cause that is picking up steam in some conservative circles around the country, but it is still a radical notion, the idea that the Congress can pass a law restricting who can own a gun or what kinds of guns can be owned and that a State can just claim those laws are not valid in that State. That is what Montana was attempting to do, and that is what Mr. VanDyke was pushing—the idea that that State was just going to conveniently avoid enforcing Federal firearms acts and laws.

That position is unconstitutional, and Federal courts have held that it is unconstitutional, but that didn't stop Mr. VanDyke from pushing what is essentially a political cause—the idea that one of the ways to stymie Federal action on guns is to just convince States to pass laws saying they won't enforce Federal laws. That is a very slippery slope to go down—certainly on the issue of enforcement of firearms laws, but it is a slippery slope to go down with respect to any Federal laws that States may want to ignore or invalidate.

Second, Mr. VanDyke has taken a position opposing the constitutionality of restrictions on the sales of certain types of weapons.

We have big disagreements here as to which kinds of weapons should be sold commercially and which kinds of weapons should be reserved for law enforcement and the military. I believe that semiautomatic, assault-style weapons like the AR-15 are best left in the hands of those they were designed for—soldiers and law enforcement. Many of my Republican colleagues don't agree. But that should be a debate we have here, and I simply do not believe our Founding Fathers would accept the premise that the Constitution restricts our ability to decide what kinds of weapons should be in civilian hands and what kinds of weapons should be in the hands of the military. There was all sorts of gun regulation happening at the time of the passage of the U.S. Constitution. They were not unfamiliar with the idea that government was going to have a hand to play in regulating firearms, and I reject the idea that the Constitution bars us from having those debates.

Mr. VanDyke has spent a lot of time arguing that the Constitution prohibits Congress from acting to keep dangerous weapons out of the hands of civilians. It is one thing to have a policy objection; it is another thing to put somebody into the Federal court system who doesn't think we should have ownership as a political body of a question that is inherently political, not constitutional.

I come to the floor to point out just a handful of ways in which Mr. VanDyke's record, I believe, is outside of the conservative mainstream when it comes to guns. I think he holds positions that would make even NRA-endorsed Republicans in this body a little uncomfortable, especially this idea that States can nullify Federal firearms laws.

Although I think there are many reasons to draw issue with this particular nominee, I put this set of issues at the top of the list. Again, this is coming from someone who has spent a lot of time supporting the President's nominees with whom I have big policy disagreements. I think this is beyond a question of policy disagreements. This is someone who is going to bring some pretty radical ideas on what the Constitution allows States to do and what the Constitution allows this body to do when it comes to keeping our constituents safe.

I would urge us to oppose Lawrence VanDyke's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

(The remarks of Mr. LANKFORD pertaining to the introduction of S. 3009 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LANKFORD. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me begin by commending our friend from Oklahoma for his patience. It takes a lot of patience to get things done around here. It also takes a lot of perseverance. Sometimes I think that if you can't convince people, maybe you can just wear down their resistance over time. But this is an idea whose time has come, and I congratulate our friend from Oklahoma and Senator HASSAN and would love to join them in supporting their effort. Thank you.

#### IMPEACHMENT

Mr. President, as you heard from the Senator from Oklahoma, this has been another wild week in Washington, DC. It looks like the House is working to remove the President of the United States and that their work is nearing the finish line.

This morning, the House Democrats unveiled articles of impeachment, and it looks like the Judiciary Committee is headed for a vote later this week. I assume that means it will come to the floor of the House next week before they leave.

On top of that, this morning, Speaker PELOSI announced that House Democrats and the Trump administration had reached an agreement on the USMCA—the United States-Mexico-Canada trade agreement—which would be the successor to NAFTA.

In my State, NAFTA is not a dirty word, and indeed, I believe, by the Chamber of Commerce figures, which indicate that NAFTA and trades between Mexico, United States, and Can-

ada supports about 13 million jobs in the United States alone, and the USMCA will improve that NAFTA trade agreement, create more jobs and more prosperity. I will be looking to see what this looks like in writing.

We had Ambassador Lighthizer, the Trade Representative, on the conference call this morning trying to go through some of the top lines, but I am still reviewing the details of this agreement to ensure that it is in the best interest of my constituents, Texas farmers and ranchers, manufacturers, and consumers.

#### GOVERNMENT FUNDING

Mr. President, as you heard from the Senator from Oklahoma, we are just 10 days away from a complete government shutdown unless we reach some sort of agreement on spending bills. We thought we had taken care of this last August when Democrats and Republican Senators and House Members agreed to a top line of spending, but unfortunately, after the August recess, our Democratic colleagues walked that back and led us now up to the precipice of, yes, another government shutdown.

#### RUSSIA INVESTIGATION

Mr. President, on top of all of this, the Justice Department Inspector General, Michael Horowitz, yesterday released his report on the counterintelligence investigation of the Trumbull campaign and any potential contacts with Russia.

We know Director Mueller, Special Counsel, has concluded after about 2 years that there was no collusion, no obstruction, but this was an investigation of something called Crossfire Hurricane, which is a counterintelligence investigation by the FBI that ultimately led to the appointment of the special counsel.

I want to talk a little bit in advance of Inspector Horowitz's appearance before the Judiciary Committee tomorrow because it is very, very important. We may recall that this process started about a year and a half ago after speculation over the motivation and the methods of the FBI in opening up an investigation on President Trump when he was still Candidate Trump. The 2016 election was historic in many ways, but one of the ways in which it was historic in not a positive way was the fact that both Presidential candidates were under active FBI investigations leading up to the election—Hillary Clinton, for her use of a private email server.

We saw the press conference held by Director Comey on July 5, I believe it was, only to reopen the investigation publicly days before the election. You can imagine how Secretary Clinton felt about Director Comey's actions and what potential influence it had on the outcome of the election, but now, depending on which TV channel you watch or what sort of social media feed that you subscribe to, there are vastly different narratives about what this inspector general report that spans 400-plus pages does or does not prove. But

when you take away all the spin, there are some key findings in this report that should be of grave concern to every American—Republicans, Democrats, unaffiliated. If you are an American citizen and you care about civil liberties, you should care about what is in this report.

First of all, there are errors and inaccuracies in something called a foreign intelligence surveillance warrant. People may not realize it, but the intelligence community cannot open up an investigation on an American citizen unless they get a warrant issued by a judge upon the showing of probable cause to believe that a crime has been committed.

Now, the law is different when it comes to non-citizens overseas, and that is what the Foreign Intelligence Surveillance Act purports to cover, the procedures and the protocol and the oversight of that very delicate yet very important process.

One of the things that gives me assurance that our intelligence community is operating within its guidelines and the law is the oversight that Congress provides on a regular basis. It is the laws we pass, like the Foreign Intelligence Surveillance Act. It is the work being done by the committees, the Select Committee on Intelligence.

I see Senator WYDEN from Oregon who serves and served with distinction on that committee for a long time, but those intelligence committees, both in the House and the Senate, provide essential oversight of our intelligence agencies to make sure they stay within the hashmarks, to stay within the guardrails that Congress prescribes under the law.

Then there are the internal rules used at the FBI, the National Security Agency, the Central Intelligence Agency, that they have to comply with, their own internal guidelines derived from the authorities Congress provides. Then there is a very important court called the Foreign Intelligence Surveillance Court. When the FBI believes they have to open an investigation into a potential intelligence matter, they can apply for a foreign intelligence surveillance warrant, which opens up authorities they can use to gather intelligence to investigate this threat to national security of the United States, but it is a very laborious and detailed process.

They have to apply to the court, and the court relies on the representations made in that application. That is why you have heard so much discussion in recent months and even years about the foreign intelligence surveillance application issued on some of the people affiliated with the Trump campaign, including a man named Carter Page. These documents are submitted to a Federal court to determine whether the government should have access to what would otherwise be private communications.

In this instance, the question was: Was there any indication Mr. Page was

an agent of a foreign power and improperly using his relationship with the Russian Government and the Russian intelligence services to become a threat to the national security of the United States?

I would think we would all agree, as a fundamental matter, that spying on an American citizen is no small thing, but that is what we are talking about here. There are strong and exhaustive processes in place to prevent the government from abusing the powers provided under the Foreign Intelligence Surveillance Act, and that supports where the Foreign Intelligence Surveillance Court comes into play.

This court, like most courts, relies on the honesty and the accuracy and the completeness of the information provided to do its job properly, but we know in the case of the Carter Page application, there were a multitude of errors. In fact, the inspector general has identified 17 errors in the four different applications for a warrant under the Foreign Intelligence Surveillance Act.

One of them jumps out at me because it involves a lawyer in the general counsel's office at the FBI altering a government record and intentionally deceiving the FISA court about Carter Page's involvement with the intelligence community—in this case another member of the intelligence community, a Federal agency. But this lawyer with the FBI Office of General Counsel intentionally altered that record so that, in the application for the FISA warrant, the FBI would literally be relying and deceiving the FISA court about the facts. That is a grave and serious and profound problem.

We know there are a number of other errors. That is hardly an error. That is an intentional act for which I understand the gentleman who made that doctored email has now been referred for a criminal investigation and perhaps prosecution for intentionally violating the FBI's policy and providing a deceptive piece of information to the FISA court.

Willingly, I know Mr. Horowitz is going to be asked about political bias, and he says there is no documentary or testamentary indication of political bias, but I think what this report demonstrates is something a lot more serious than political bias. It demonstrates an abuse of power that ought to concern every American citizen because, if these rogue agents at the FBI—primarily the leadership of the FBI—can do this to a Presidential candidate, Donald Trump, or the President of the United States, they can do it to any one of us. What sort of power would we have if the might of the Federal Government was concentrated in a raid against us in this sort of investigation? That is why we must take these sorts of failures and intentional deceptions very, very seriously.

Well, to make matters worse, we know this application relied on the deeply flawed Steele dossier. Well, the

Steele dossier was a piece of opposition research produced by the Hillary Clinton campaign against Donald Trump. What they did is they hired a former intelligence agent from the United Kingdom, Mr. Steele, to generate what has now been called a dossier. I want to remind my colleagues that, when Attorney General Barr testified before the Judiciary Committee earlier this year, I asked him if he could state with confidence that the Steele dossier was not a part of a Russian disinformation campaign, and the Attorney General said, no, he could not make that statement with confidence.

He told the committee that this is one of the areas he was reviewing as part of his investigation, but he said, "I don't think it's entirely speculative."

The inspector general touched on this in his report but noted that an investigation of this dossier falls outside the scope of the inspector general's oversight role. His job is primarily to do oversight of the FBI and the Department of Justice and not to investigate these outside matters. But we need to know with confidence whether this Steele dossier was part of a Russian disinformation campaign. We are all profoundly concerned about foreign countries becoming involved in our elections, and there was no more intrusive means of getting involved in the 2016 election than the generation of this dossier. We need to know its provenance. We need to know whether this was planted by our adversaries in order to create distension and discord, which has been obviously the result of this investigation for the last 3 years. So I hope Attorney General Barr or U.S. Attorney John Durham will be able to provide clarity on this topic.

This is especially important considering we learned from this 400-page-plus report that the dossier played a central and essential role in the FISA process. As time went on, a new and even exculpatory or innocent information was discovered. We know that the information provided by the FBI in these renewal applications for this FISA warrant were not correct.

Well, the inspector general failed to resolve whether the FISA was improperly issued, but the report suggested the FISA board is considering this question, as well it should. I have never sat on a FISA court, but I have spent 13 years as a State court judge. When you lie to a judge, that judge takes it seriously, and they have contempt powers and other recourse when that happens. So it is essential that the FISA court weigh in.

Let me say once again, no American should be subjected to this kind of abuse of power by their own government. That is why we need to restore the public confidence in the FBI. I believe Director Chris Wray has begun that process and make sure that these types of egregious errors and intentional acts do not become the norm.

Director Wray sent a letter to the Department of Justice's Office of In-

spector General, detailing actions his agency will take to strengthen the FISA processes and make these documents less susceptible to errors or intentional alterations. I appreciate the Director's acknowledgement of these problems under the agency's previous leadership and his commitment to preventing similar errors and alterations.

That brings me to another concern. This has to do with something called the defensive briefings. This is something that Loretta Lynch, the former Attorney General, said was routine in counterintelligence matters. Let me explain for a minute.

The FBI provides many different functions. We are most familiar with its law enforcement investigation function. They investigate potential crimes and present that to the Department of Justice, which then decides whether to charge a person with a crime. That is one of the most important roles the FBI plays. But it also plays a very important role when it comes to counterintelligence; that is, countering the malign activities of foreign nations like Russia and China and the threats they pose to our national security.

What Loretta Lynch told us is that these defensive briefings are fairly standard. It is an opportunity for the FBI to advise the target of these threats by a foreign influence so that they can take steps to protect themselves. We know that both candidates, Hillary Clinton and Donald Trump, received something called the defensive briefings in August of 2015.

The defensive briefing for the Trump campaign lasted 13 minutes, according to this report. It was a check-the-box, perfunctory defensive briefing. I am confident the FBI did not come in to tell President Trump, then-Candidate Trump: The Russians are checking the doors and the windows, and they are trying to break into your campaign. You need to tell these people who are affiliated with your campaign to keep their eyes open and to knock off their association with these likely Russian intelligence officers.

At the time, the FBI believed the Russians were infiltrating the Trump campaign. The FBI should have told them, but they didn't. So this is different from a criminal investigation, as I said.

The FBI was presented with a couple of options when it came to advising the Trump campaign. One was to provide as much information as possible so that they could have given a real, constructive briefing about known threats and sufficient information to help the Trump campaign mitigate the threat. But that is not what the FBI did.

Option two was to provide a generic briefing—no specifics, no names, no real details, just a generic warning that foreign governments are actively working to interfere with the election and maybe a little lecture about cyber hygiene and why you should change your passwords, maybe get dual authentication when it comes to accessing websites and email, and not to

click on those phishing emails that we all get from time to time that could unload a Trojan horse or some other malware onto your computer. But that is not what FBI did here either.

Somehow, the FBI managed to come up with a third option, as documented in this report. They used this briefing not as a way to alert the Trump campaign of potential threats from Russian intelligence services; they used it as an opportunity to conduct an investigation against General Flynn, who worked on President Trump's campaign. They were even so bold as to insert one of those investigatory agents—part of the Crossfire Hurricane investigative team—into that briefing with President Trump and his campaign.

Knowing that the FBI did that in this case, I can't imagine many campaigns that would want a defensive briefing because you, frankly, couldn't trust the intentions of these officials. Would you believe that they were there to share intelligence and help you protect American national security or conduct an investigation, unbeknownst to you?

When we talk about the need to secure our elections from foreign interference, you can't, in the process, destroy public confidence in all of our institutions, including the FBI.

I want to be clear. I am glad Director Wray addressed these defensive briefings yesterday, among other matters. I have confidence in Director Wray, and I think a new leadership in the FBI since all of this terrible period occurred has been encouraging.

Director Wray has clarified what his predecessors clearly missed, saying: "The FBI's role in these briefings should be for national security purposes and not for investigative purposes."

This report has left me with a number of questions and a lot of concerns, and I am glad we will have the opportunity to ask Inspector General Horowitz more about this report tomorrow in the Judiciary Committee.

It is important that we get to the bottom of concerted efforts to deceive the Foreign Intelligence Surveillance Court and the use of salacious and unverified materials in order to justify the issuance of these very sensitive FISA warrants.

I believe some of the actions the inspector general has identified undermine public confidence in our public safety and national security measures, and that is something we should all be willing to fight for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### HEALTHCARE

Mr. WYDEN. Mr. President, when the Trump administration comes to an end, it is going to leave behind a host of sad and, I would consider, shameful legacies, and right near the top of the list will be the shocking number of children who have lost healthcare coverage under this administration.

I am sure folks can't really see the specific numbers here, but this trend line is what is important, taking figures from the Census Department—people who are not political; they are not Democrats or Republicans. What this chart, based on census data shows, is that, for year after year after year, we saw the number of uninsured kids in America go down. That is something I think was important for our country. It said a lot about our values, and it certainly said a lot about our healthcare system.

Sure, we are going to spend more than \$3.5 trillion on healthcare. If you were to divide that up into 320 million Americans, you can send every family of four a check for \$40,000. So we are spending enough on healthcare, but we are not spending it in the right places.

In particular, I wanted to come to the floor—and I am glad to see my friend, the Presiding Officer, who has worked with me on a variety of healthcare issues; we have some areas we are going to be talking about in the days ahead. To me, one of the areas of healthcare, until recently, we could all take pride in was this chart, which nobody could really see, but it showed this trend line in which the number of uninsured kids was going down.

Unfortunately, in the Trump administration, that trend line of years and years and years of more kids getting healthcare coverage has been reversed, and now more kids are uninsured.

How did the Trump people do it? They are not going to stand up in front of a government agency and say: Oh, we just don't like kids. But what they did is hurt those kids and their parents by keeping them in the dark for years while there were efforts, bipartisan ones—my friend, who joined the Finance Committee recently, knows that our previous chairman, Senator Hatch, worked with me for a record-setting extension for the Children's Health Insurance Program. The efforts to expand coverage for kids were all bipartisan—always—going back, really, for decades now, particularly on the Finance Committee.

I think of the late Senator John Chafee and the late Senator John Heinz—people whom I admire so much—and they always wanted to find common ground, Democrats and Republicans, working for children. But now the Trump administration, in the dark, has come up with proposals that have made it harder for parents to sign up their kids, harder for them to stay enrolled, and harder for these families—parents with young kids—to even know about their rights, their rights to healthcare.

So now, as a result of the Trump administration's reversing this trend of years and years of expanded coverage for kids, we have hundreds of thousands of parents clinging to the hope that their kids don't get hurt on the playground, catch flu in the classroom, or worse.

We know that this falls hardest on the families walking an economic

tightrope. Every month they are balancing their food against their fuel bill, their fuel bill against their healthcare. One injury, one illness, could be financially devastating for these kids and their families, and it can be a major setback for kids for years, if not for the rest of their lives. How is a sick kid supposed to succeed in school and get ahead if they are unable to see a doctor when they have serious illnesses?

I have mentioned that I know the two sides—this side of the aisle and that side of the aisle—can work together to find common ground on children's healthcare.

At the end of his service, Chairman Hatch—who, as my colleague the distinguished Presiding Officer knows, cared greatly about kids; he was very involved with the late Senator Ted Kennedy and others in coming up with the children's health plan—said: We want to set a record. We want to get a 10-year extension of the Children's Health Insurance Program.

We managed to do it. But if you cut the services for people to find out how to get enrolled, stay enrolled, and if there are changes in programs, those changes in policy, which took place when the Trump administration came to Washington, rippled through very quickly to communities across the country where vulnerable Americans depend on getting good quality healthcare. I just think it is unconscionable.

As I mentioned earlier in my remarks, for a country with the resources America has, you wouldn't step in if you saw this trend of progress—fewer uninsured kids—suddenly be reversed. And it really happened very quickly. When the Trump administration took over, you would say: Hey, let's get Democrats and Republicans together, pull out all the stops to fix it, and get the trend line going in the right direction again with more kids getting healthcare coverage. We would have had to take on the Trump administration here in the Congress. We would have had to take on all of those programs in which the Trump administration made it harder for kids to get enrolled and to stay enrolled, but it would have been the right thing. It would have been the right thing for Democrats and Republicans in the Congress to step in and take on the Trump administration and say: Look, we understand there can be debates and differences of opinion, but you don't score points by attacking the services for children available under the Affordable Care Act.

I am going to keep working to reverse this crisis. My colleagues have been coming from this side of the aisle all through the day to talk about this scourge: the reversal of the trend in this country with respect to healthcare coverage. We used to be expanding it for kids. Now it is going the other way. The amount of coverage is being reduced.

I just want to say, as the ranking Democrat on the Senate Finance Committee, which has jurisdiction over many of the healthcare programs that are most important for kids and families on an economic tightrope, I and I know my colleagues on the Finance Committee—several of whom have spoken over the last few days on this subject—would be glad to work with any Republican in this Senate who wants to turn this around. If any Republican is listening to this and wants to come to the floor and say: I am interested. I am interested in turning around this ominous trend. I am interested in turning around this trend where healthcare coverage for kids is going down, and I want to work with Democrats to do it, I will commit, as the ranking Democrat on the Finance Committee, to say: Thank goodness. We have to get on this. This is too important to our country and to our future to just sit idly by and say we are going to reduce the number of kids who are getting healthcare coverage because we are not going to give parents the opportunity to find out how to get enrolled and stay enrolled and know what their rights are.

A country as strong and good and rich as ours ought to be looking for every possible opportunity to help kids get ahead in life. That, in my view, starts with access to healthcare. Right up at the top of the list, it starts, in my view, by saying that this trend line, which after years and years of showing more kids were getting covered, is now going the other way, and fewer kids are getting covered. We are going to say, as a body in the U.S. Senate: We are going to change that, and in a country that is as strong and good and rich as ours, those vulnerable families are going to be able to get healthcare again.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MCSALLY). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE WORK

Mrs. BLACKBURN. Madam President, it has been so interesting today to hear my colleagues talk about the things we have done this year, the things we have to get done before the end of the year that haven't been addressed yet, and then things that need to be addressed this next year in 2020.

I will tell you, 2019, for me, I look at it as, I would say, successes and stalls and then some forward motion on some really important pieces of legislation. To get there, we really have had some fairly intense debates, which have prompted our constituents and those back in Tennessee to have their own discussions about what they think is or is not happening here in Washington, DC.

My hope is that their debates around the kitchen table are sometimes less heated than ours, and certainly I hope that their Thanksgiving table debates were less heated than some of these that you see taking place here.

Tennesseans, like a lot of Americans, when they end up talking about what we are or are not doing here in Congress, they revert back to first principles. I cannot tell you the number of times over this past holiday that I heard people say: Look, for me, it is all about freedom. It is all about defending the freedoms that we have—protecting that life, liberty, and pursuit of happiness.

They are looking at that. It is fair to say they think in the long term. While many times I think the media here in DC just follows that shiny object story of the day, whatever is generating clicks and likes and headlines, that is where they are, but Tennesseans are not focused that way. What they would like to see is for our actions here in Washington to be taken in a way that are going to keep them and their neighborhoods and their friends safe and secure and healthy and free and keep them out of the reach of government overreach, if you will.

As someone said to me last weekend, “I just want the Federal Government off my back and out of my pocketbook. I want to be able to keep working and keep growing my business.” A lot of people are there.

Now, we have seen movement this week. A very good thing that has happened is the National Defense Authorization Act. I know that Madam President has worked tirelessly on this, as have I, for all of our military community members in Tennessee. We have been very pleased that we are going to see Fort Campbell and the divisions that call Fort Campbell home getting the funds and the equipment they need in order to protect themselves and to do their jobs—whether it is Chinooks or more training capacity or equipment and also an emphasis on making certain that we are keeping their homes safe so those families are safe in that military on-post housing, that privatized housing, while their loved ones are deployed.

While we are looking at other components of the NDAA, Tennesseans have been very concerned and are very pleased, I will say, about what has transpired with Oak Ridge National Labs and Y-12. Oak Ridge is a treasure for our Nation, and much of the research in supercomputing and hypersonics is being done there.

Also, in the Senate this year, we are paying attention to the implementation of legislation very important to our songwriters. I know you have heard me say, time and again, that Middle Tennessee, Nashville, is one of the most creative communities on the face of the Earth and home to more songwriters than anywhere else on the face of the Earth, and the Music Modernization Act is going to make certain that

Nashville artists and songwriters are being paid fairly for the work they are creating. We are pleased that these are all things we have worked hard on, and we see these as priorities.

When it comes to a legislative agenda that has taken much of my time, I started this term in the Senate working on some things that protect the unborn, much as I had done in my service in the House. The first bill I introduced over here was the Title X Abortion Provider Prohibition Act, and this is something Tennesseans wanted to see done to make certain that tax dollars would not be used to fund or support abortion providers, and it would not go to those clinics.

What Tennesseans wanted to see was those tax dollars being put to work in rural healthcare and enable access to healthcare for women and for individuals who did not have access to basic healthcare needs. Our State has been hit hard by rural hospital closures, and thousands of Tennesseans are now forced to drive miles out of their way to seek basic care. I will tell you, this is concerning, especially for the people living in the most remote areas of the State for whom there is no such thing as a quick ride or a quick ambulance trip to the hospital. It is miles of travel sometimes, when those minutes are very precious and they feel that time is passing quickly and it is critical to get to that care.

As part of my work this year, I have worked on and developed a rural health agenda, which has earned bipartisan support here. I thank Senator DURBIN for his work with me on this. I will tell you, this is legislation that, yes, it has bipartisan support here, but it has a lot of support scattered around the country.

What this will do is support the establishment and expansion of medical facilities in rural areas. It will help doctors and other medical practitioners set up shop outside of the more convenient and lucrative urban bubbles. It also will enable telemedicine so that you are taking healthcare out to these areas that have a difficult time getting in.

Speaking of the urban bubble, a lack of access to healthcare isn't the only thing that is causing headaches right now in rural America. Here, in Washington, we don't have to worry about having a reliable phone signal or an internet connection. We are really fortunate in that regard. We know when we click on, it is just going to work, but outside of America's metropolitan areas, communities that lack these resources are falling behind. My Internet Exchange Act will ensure that rural areas are able to build and maintain the infrastructure needed to support high-speed internet connections, which will in turn support business growth and e-commerce and encourage investment from outside corporations looking to expand.

You cannot have 21st century education, economic development,

healthcare, or law enforcement without access to high-speed internet. Continuing to close that digital divide is a priority, and I thank my colleagues for the good progress we have made this year.

Of course, that connectivity comes with a price. Opening ourselves up to the online world means opening ourselves up to the possibilities of cyber attacks. This is a problem we have to approach as a matter of national security, as well as on the corporate side and in our homes.

In addition to funding for military pay raises and upgraded equipment, this year's NDAA, or the National Defense Authorization Act, includes support for the assessment and expansion of our cyber warfighting capabilities. As I said, that is only one very important part of the equation. While I was serving in the House and before I came to the Senate, I worked on legislation that will get consumers all the information they need in order to make a decision about how they want to share their private information and to whom they want to give access to that information.

Once passed, my bipartisan BROWSE Act will give consumers more control over how big tech uses their personal data. You, the consumer, should be able to own your virtual you. You should be able to protect your presence online, just as you are able to protect your being yourself in the physical space.

In return, tech companies will be free to innovate and use that data to build their platforms, and that is what helps make them profitable—new innovations. They can do that as long as they respect your wishes on how you want them to use your data.

As head of the Judiciary Committee's tech task force—and I do thank Senator FEINSTEIN for her leadership in leading this group at the Judiciary Committee—I have had the privilege of bringing both sides together on this debate and to the table to have productive discussions on how to responsibly regulate big tech. I look forward to continuing that in the New Year.

As we draw to a close, I remind my colleagues that in Tennessee people remind me regularly that we are a government of the people, by the people, and for the people. As we talk about things that have been done this year and things that we need to do before the end of the year—things like getting VAWA passed—we need to remember that for all of the shiny-object stories that circulate around here every single day, the people back home are saying: Your responsibility is to care for the issues that are important to me. That is where they would like to see us spending our time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have one very short remark that I want to make and then longer remarks to my colleagues.

#### IMPEACHMENT

Madam President, House Democrats announced that they are moving to impeach President Trump for—in their words—abuse of power. When all of this started, Democrats said the President committed a quid pro quo, but that didn't poll very well among the American people. At that point, the House Democrats switched to an accusation of bribery against the President. Maybe that didn't poll well either or maybe they discovered that history doesn't support their definition. Finally, they settled on abuse of power.

It is kind of like a Goldilocks impeachment. The "quid pro quo" bowl was too cold, and the bribery bowl was too hot. But, apparently, abuse of power tastes just right, while the American people are increasingly getting a bad taste in their mouth about the Democrats' partisan impeachment story.

#### RUSSIA INVESTIGATION

Madam President, I want to comment on the Horowitz report, out yesterday. On Monday of this week, the Justice Department inspector general released his report on the Justice Department and the FBI investigation into the debunked theory that the Trump campaign colluded with the Russian Government. I have pushed to shine a light on the origins of the FBI Russia investigation for more than 2½ years. You can see that it has been a long road.

When information is embarrassing, the FBI has a way of fighting tooth and nail to keep it all secret, to keep it heavily classified. The FBI is hiding behind vague procedural excuses about protecting the integrity of ongoing investigations and all kinds of excuses not to come forth and not to let public information come forward that might embarrass them.

In this case, they put up a wall. You have to keep swinging in order to crack that wall. I started looking into the origins of the FBI's corrupt Russia investigation way back in March of 2017. At that time, it became clear that the FBI had used Christopher Steele's work to investigate then-Candidate Donald Trump. This was all done even though the FBI knew that Steele was working for an organization called Fusion GPS. Fusion GPS is an opposition research firm paid for by the Democratic National Committee and the Clinton campaign. The FBI knew that.

When the FBI didn't answer my questions, I used my authority as chairman of the Senate Judiciary Committee to hold up the nomination of Deputy Attorney General Rosenstein. That got the Judiciary Committee a briefing from the FBI. It consisted of a lot of veiled half answers and assertions that somehow Christopher Steele was reliable. We all know that he wasn't reliable. I will give details on that shortly.

In June of 2017, I asked the FBI to produce all the FISA applications related to its Russia investigation. After 6 months of wrangling, in December

2017, Senator GRAHAM, Senator FEINSTEIN, and I were permitted to review the four FISA applications in which the FBI sought authority to surveil former Trump campaign staffer Carter Page, as well as a number of classified documents relating to Mr. Steele.

I also directed my staff to look in public places that others were ignoring. That led us to Mr. Steele's court filings in London. What my staff found was that Mr. Steele had admitted to passing some of the contents of his dossier far and wide to media organizations. That raised a very important question about whether information Steele gathered was open to manipulation or just part of one big feedback loop.

We also learned that, according to the FBI, Steele had told the FBI he had not spoken to the media about his findings, and that was in direct contradiction to what he said in court in London.

After reviewing all of this information, Senator GRAHAM and I wrote a letter referring Mr. Steele to the FBI for potential violation of 18 USC 1001. That section of the code makes charges of lying to the FBI. At the heart of our referral was an 8-page memorandum that laid out much of what we had learned from my investigative efforts at that point.

We now know from the IG report that the FBI top brass was aware of Mr. Steele's statements to the British court in spring 2017, but the FBI never accessed those filings and never considered telling the Foreign Intelligence Surveillance Court that its assurances about Steele's third party contacts were in fact wrong.

As soon as the referral went out, I began pushing the FBI to declassify as much of those referrals as possible. The FBI resisted my efforts every step of the way because this is probably going to be very embarrassing to them.

My fight to make information in the referral memo public was helped along very directly by President Trump, who declassified a memo prepared by the House Intelligence Committee that touched a number of the same topics.

In February 2018, Senator GRAHAM and I also wrote Inspector General Horowitz to call his attention to everything we had learned and request that he conduct a comprehensive review of improper political influence, misconduct, and mismanagement of the FBI's Russia investigation.

My efforts have been based on my investigative activity and also the overriding need for more transparency from the American Government because transparency brings accountability.

After the release of the Russia report, there had better be accountability. The inspector general's findings ought to concern every single Member of this Chamber because it concerns the American people. We the people have a profound, deep, and abiding respect for fundamental constitutional rights. These fundamental rights



have not been granted or created by the government. Our rights are God-given. Our rights are inalienable, and our rights are self-evident. The inspector general's report shows that despite all the checks we put in place to ensure the government will not infringe on those rights without proper cause, it is still possible for bad actors to lie, for bad actors to withhold information, and for bad actors to doctor documents in order to get around those safeguards to achieve their own goals.

The inspector general's report has finally let some light shine on the wrongdoing that occurred with the Justice Department and the FBI during this infamous Russia investigation. Let's start then with that Steele dossier. The Steele dossier played a very "central" and "essential" role in the Russia investigation, according to the inspector general's report. Those words, "central" and "essential," come from the report.

Before the FBI got it, they tried to open a FISA on Carter Page, and there wasn't enough evidence, but once the dossier was acquired, that was the tipping point for the FBI to tell the FISA Court that it had probable cause that an American citizen was an agent of a foreign government.

We now know that this central and essential document was not even a finished product. The dossier was based on single-source reporting, and Steele wasn't even the original source. He had a primary subsorce who used multiple sources who, we now know, didn't even have direct access to the people they were reporting on. Some of these sources were Russian Government officials. We are talking about many, many levels of hearsay.

Well, the FBI got around to interviewing that primary subsorce but only after the FBI opened a FISA warrant on Carter Page. Think about that, will you? The FBI used one of the most powerful and invasive investigative tools without first verifying the information it provided the court. The primary subsorce raised the following issues: One, Steele had reliability issues; two, the primary subsorce had not seen the dossier until it was made public; three, Steele misstated and exaggerated claims; four, the primary subsorce didn't think his or her material would be in the report; five, much of the information in the dossier was based on rumors, including conversations over beers, we are told, or some of those conversations were made in jest; and lastly, six, none of this material in the dossier had been corroborated.

After the FBI acquired this information, subsequent FISA renewals continued to rely on this same document that had lost all credibility, and everybody knew it. They had relied on the Steele information with no revision or notice to the court that the primary subsorce contradicted Steele. Simply said, that is a fraud on the court. So the FBI couldn't get a FISA warrant

until they got the dossier, and then they kept renewing the warrant despite very clear evidence that the dossier was faulty.

It looks to me as though the FBI couldn't get their way, so they used whatever information they could, whether it was false or not, all to accomplish their goal. Their goal was pursuing an inquiry into the Trump campaign.

We all know about one of Strzok's infamous text exchanges. Page said this in the text: "[Trump's] not ever going to become President, right? Right?"

Strzok said: "No. No he's not. We'll stop it."

These are people involved with the FBI with a very anti-Trump agenda.

So we go back. The FBI had a plan, and they would do anything. The FBI would do anything to keep that plan going. The information loop was contaminated from the start, and nobody at the FBI seemed to give a rip about it. They just wanted to continue the investigation into Trump. A part of that investigation included using defensive briefings for the Trump campaign—Can you believe this?—as a means to collect information relative to the Russia investigation and the General Flynn investigation. Would you believe that the FBI decided not to defensively brief the Trump campaign on alleged Russian attempts to interfere with the election—information that served as a predicate to opening this inquiry? But the FBI did decide to use the briefings as an intelligence-gathering operation.

Why wouldn't the FBI simply give the Trump campaign a heads-up on any and all threats? They were looking out for his safety. Why would they hide the ball? We know that they did so for prior Presidential campaigns, so if they did it for every Presidential campaign, why wouldn't they do it for Trump? Again, the FBI had a plan, and they would do anything to keep that plan going.

Another disturbing finding in the report is that the FBI recorded Page and Papadopoulos before the FISA warrant was issued. But it is unclear who the FBI used to record them. Did they work for another government? Was it a spy?

Both of these recordings offered exculpatory evidence that was withheld from the FISA Court. The FISA Court should have known this information, but it didn't. Included were denials that anyone associated with the Trump campaign was collaborating with Russia or with outside groups like WikiLeaks in the release of emails and, No. 2, that Page had never met or said one word to Paul Manafort and that Manafort never responded to Page's emails. To that second point, the dossier said that Page participated in a conspiracy with Russia to act as an intermediary for Manafort on behalf of the Trump campaign. None of that information is accurate.

The Steele dossier served as a—again, these words—"central and essential

role" in the FBI's investigation, yet it was filled with inaccurate and very false statements. It is important to remember that the FBI knew all of this. They knew about those faults all the time, and they did nothing to apprise the FISA Court, and they had a responsibility to do that. In fact, as it turns out, the FBI actively altered documents to make a better case for themselves.

The FBI altered documents. One FBI official altered an email from another government agency to say that Page "was not a source" for that agency, when, in fact, Page was with that agency.

The FBI relied on the false statements to renew the FISA warrant. That means that the FBI used Page's work, apparently, for the American Government as evidence that he was a Russian agent. The FBI couldn't get their way unless they literally falsified documents to the court to spy on an American citizen working for the Trump campaign. That ought to shock everybody in this country. The conscience of every citizen ought to be bothered that the FBI can do that. If it can happen to Carter Page, it can happen to any one of us.

The inspector general report also specifically identified 17 errors and omissions during the Carter Page FISA process and additional errors in the Woods procedures. Wrong and incomplete information was passed through the chain of command for those approving the FISA warrants. After the inspector general interviewed within the FBI chain of command, the inspector general had this to say:

In most instances, the agents and supervisors told us that they either did not know or recall why the information was not shared with the [Office of Intelligence], that the failure to do so may have been an oversight, that they did not recognize at the time the relevance of the information to the FISA application, or that they did not believe the missing information to be significant.

Regarding that last point, that they did not believe the missing information to be significant, the inspector general noted that "we believe that case agents may have improperly substituted their own judgments in place of the judgment of [the Office of Intelligence] . . . or in place of the court to weigh the probative value of the information."

That is a very extraordinary finding. We all know about the politically charged anti-Trump texts that were exchanged among FBI officials who didn't want Trump elected, and they probably hate him to this very day, including an FBI lawyer who altered documents—an FBI agent did this—to support the FISA application. Clearly, that bias affected the decision-making process. Indeed, the inspector general noted that in light of the substantial and fundamental errors in the FISA process, there are "significant questions regarding the FBI's chain of command management and supervision of the FISA process."

Really, it is quite obvious that something was terribly wrong. For example,

Stu Evans, the DOJ National Security Division official with oversight of the FISA process, did not even know that Bruce Ohr, another DOJ official, had been in communication with the FBI about the Russia investigation. He didn't know that Ohr had been interviewed by the FBI until he saw the Grassley-Graham referral.

Ultimately, the inspector general was not able to interview everyone involved in the chain of command to the extent that the inspector general wanted to do that. For example, James Comey and Jim Baker, the former FBI general counsel, did not request that their clearances be reinstated for the interviews. Quite obviously, they didn't want to be interviewed. That means the inspector general was unable to ask them classified questions related to their conduct.

Comey claims that he is transparent, but he clearly wasn't in this case. Moreover, Glenn Simpson and Jonathan Winer—the latter a former State Department official—refused to sit for any interviews at all. These individuals played key roles in the Russia investigation. It is a shame that they didn't want to speak up. So can't we legitimately ask: What are they trying to hide? From what I have seen, they are trying to hide an awful lot.

With all that said, the FBI's FISA-related behavior has been so bad that the inspector general has initiated a comprehensive audit that will fully examine the FBI's compliance with the Woods procedures. In the past, when there has been evidence of our government improperly infringing on the civil liberties of American citizens, we as a nation have firmly rejected that course of action. We have taken those moments as real opportunities to strengthen our resolve and to renew our commitment to the values that we all share about our God-given liberties and freedoms.

Under the leadership of J. Edgar Hoover, from about 1920 to 1969, which was when he died, the FBI would wiretap, recruit secret informants, and fix the paperwork in ways that trampled on the rights of ordinary Americans as a matter of practice. In those times of the FBI, it was business as usual. Let's hope it doesn't become business as usual now. That is why, during the 1970s, because of the abuse of J. Edgar Hoover, this Chamber undertook vigorous oversight efforts, under the leadership of the late Senator Frank Church, to shine a light on the excesses and abuses of our intelligence bureaucracy.

Based on what we learned from that inquiry 40 years ago, Congress passed FISA. This legislation establishes protections to ensure that government bureaucrats can't just spy on American citizens willy-nilly, whenever they feel like it. In order to surveil an American citizen, the FBI must acquire a lawful order and do it from a court of law. We give those in the FBI that power along with an expectation that they will do their due diligence in using it.

We have found out now, during this Russia investigation, that those in the FBI—in this decade—did not do that due diligence. We give this with the expectation that they will provide the court full and accurate information, which they didn't provide to the FISA court in regard to the Russia investigation; that they will follow the rule of law and their own internal guidelines; and that they will respect the boundaries Congress has set for them, instead of reverting to the freewheeling and very heavy-handed tactics that they embraced in the past.

Most of the hard-working men and women in our Department of Justice and in our FBI today understand and truly respect these boundaries. However, it seems old habits really die very hard. Politics has crept back into the FBI's work, at least at the highest levels. The actions that were taken by Obama and Comey's FBI sound an awful lot like the ones taken under Hoover.

Where do we go from here? We have to learn from our past mistakes. I have said it before, and I will say it again: Sunlight is the best disinfectant. Transparency brings accountability. It helps us take reasoned steps to ensure that the mistakes of the past will not be repeated in the future.

After what I believe was far too long a wait, I am happy to have finally received this Horowitz report that we call the inspector general's report. I thank IG Horowitz and his staff for all of their hard work. I am pleased to see that much of the inspector general's report is publicly available. Once again, this is due in no small part to President Trump's unprecedented commitment to transparency.

I appreciate the President's willingness to grant Attorney General Barr broad declassification authority, and I appreciate Attorney General Barr's willingness to use that authority to bring much of what happened out into the open. It is an important first step towards ensuring accountability. Of course, there are still many, many unanswered questions.

In going forward, I eagerly await Mr. Durham's findings with respect to how the intelligence community handled its part of the corrupted Russia investigation. Mr. Durham is the U.S. attorney in Connecticut, but he has been awarded by Mr. Barr the responsibility of getting to the bottom of all of these problems that I am talking about now and a lot of other problems. Unlike Horowitz, Mr. Durham has authority to prosecute, and he has already opened criminal investigations.

In the sense of Mr. Durham's work, I view this most recent inspector general's report as just one part in a multi-part act. Durham's public comments make clear that he finds issue with whether the opening of the Russia investigation was properly predicated. His findings may prove critical to finally and fully understanding what happened during the Obama adminis-

tration's fabricated investigation into Trump.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### 150TH ANNIVERSARY OF THE KENTUCKY NEW ERA

Mr. McCONNELL. Madam President, it is with great pride that I pay tribute to a long-standing community institution in southwestern Kentucky. The Kentucky New Era newspaper recently marked 150 years of quality journalism and community engagement, and I would like to take a moment today to review the paper's distinguished history and celebrate its many achievements.

Prominent Kentucky newsman Chip Hutcheson, whom I am proud to call a dear friend, spent years working for the New Era, and he summed up the reason it has thrived for so long. Chip recalled a paper-wide culture of writing "columns that cemented readers' relationships to the writer and the paper." I think it is that commitment to readers and to what matters in their lives and community that has helped make the New Era the oldest business in Hopkinsville, KY.

Since the paper was launched as a weekly publication in the winter of 1869, the New Era has certainly undergone some change to solidify its relationship with readers. To meet a demand for local, State, and national news, the New Era added a daily issue, and delivered the news and commentary its subscribers wanted to read. Part of that frequent change during the early years came in the form of different owners, but in 1873, Hunter Wood took charge, and his family would steer the New Era as majority owners for the following 130-plus years.

Under their direction, the paper covered a wide range of issues affecting life in Christian County. From politics to agriculture, mixed with lighter community-interest pieces and extensive coverage of high school sports, the New Era has served as an important source of information for its readers. Its staff

would attract several award-winning journalists, including my friend Mary D. Ferguson, who held a high standard on its pages.

Adapting to changing markets, the New Era expanded its operations. To serve the nearby U.S. Army installation, the paper's media group began publishing the Fort Campbell Courier. Other respected local papers, including the Princeton Times Leader, the Providence Journal Enterprise, and Dawson Springs Progress, joined the New Era's organization to further stretch the reach of its community journalism. In whatever form subscribers want to receive their news—in print, online, or even listening to a podcast—the New Era is committed to reporting on the stories that must be told.

Just last year, the paper joined another well-respected Kentucky news institution, the Paxton Media Group. With this partnership, the Kentucky New Era has the ability to continue thriving into the future. Through the years, I have enjoyed reading the paper and speaking with its top-tier professionals, and I look forward to many more accomplishments to come.

It is a privilege to congratulate the Kentucky New Era on its celebration of 150 years of journalistic success, and I hope my Senate colleagues will join me in saluting this community institution on its anniversary. I would like to extend my best wishes to the reporters, editors, and staff who have made the New Era a vital resource in west Kentucky.

#### TRIBUTE TO JOHN CULLERTON

Mr. DURBIN. Madam President, this January, it will be 12 years since Illinois banned smoking in businesses. In 2008, the Smoke-Free Illinois Act went into effect and changed the lives of people throughout the State. There has been a 20-percent decrease in hospitalizations for conditions aggravated by secondhand smoke, like asthma, chronic obstructive pulmonary disease, and heart attacks. High school smoking rates have fallen more than 53 percent since then. This is real change. My friend, Illinois Senate President John Cullerton, led that fight to save lives. His storied career is one of working for good government and the safety of people. In January, he will be retiring, and I want to take this time to honor him.

John grew up in the village of Winfield in DuPage County. His family has deep roots in Illinois as one of the original settlers in Chicago in 1835. If you are wandering Chicago, you might come across Cullerton Street, which used to be 20th Street. It was named after John's great-grandfather's brother, Edward "Foxy" Cullerton. Edward, originally elected to Chicago city council in 1871, served one of the longest tenures as a Chicago alderman in the city's history. The Cullertons have been a staple of Illinois politics ever since.

Though it may seem like the Cullerton family is just filled with politicians, John's father and paternal grandfather were electricians. In fact, most of his immediate family was not political. John's role model was his maternal grandfather, Tom Tyrell, a real-estate lawyer in Chicago. At 12 years old, John wanted to be a lawyer because of him. His grandfather would give legal lessons at the dinner table. He would cut cherry pie and explain how corporations have shares.

John went to Loyola University Chicago and earned a bachelor's degree in political science. He stayed at Loyola to study law. John also served in the Illinois National Guard from 1970 to 1976. In law school, John experienced firsthand how litigation can bring change. As president of the Loyola University Chicago Student Bar Association, he saw his fellow students draft a complaint against the school for not providing adequate facilities for the law school. The students hired a lawyer and actually negotiated a deal without filing a lawsuit. A few years after John and his classmates graduated, a brand-new law school was built at the corner of Pearson and State in Chicago, which still stands today.

John's first job was working as a Chicago assistant public defender. For 5 years, he was on the frontlines of law defending people. In 1976, John earned his first political experience by being elected to be a delegate to the Democratic National Convention. Though John's immediate family was not very political, his cousin Parky Cullerton was Cook County tax assessor at the time. Parky's influence convinced him that he could run for the Illinois House of Representatives, and he won in 1978.

In 1988, John joined Fagel Haber, which later became Thompson Coburn Fagel Haber, where he still is a partner today. In 1990, John was appointed to fill then-State Senator Dawn Clark Netsch's seat. John won the seat on his own right in 1992, representing the Chicago Cubs' neighborhood of Wrigleyville, but he remained a loyal White Sox fan.

John thrived in the Senate. Between 2003 and 2006, he sponsored more bills and had more bills signed by the Governor than any other legislator. John dedicated himself to things like traffic safety, gun control, reforming the criminal justice system, and tobacco regulation. John would work with anyone for a greater good. He always made it a point of going out to dinner not just with Democratic State senators but with Republican ones too.

In 2008, the senate Democratic caucus chose John to be senate president. Immediately, John prioritized an infrastructure bill that had not passed in 10 years at the time. John has steered the senate through many tough times. He can proudly say that, during his time, Illinois passed two capital funding bills, marriage equality, an abolishment of the death penalty, school funding reform, and immigration reform.

John has encouraged bipartisanship and cooperation through all of it.

For 41 years, John has served with a sense of justice, friendship, and even comedy. He regularly performed at an annual event at the legendary Second City Chicago Theater. His impersonation of then-Mayor Richard J. Daley earned him the crown of Mr. Wonderful from the Conference of Women Legislators in 1979.

John retiring from the senate will allow him to spend more time with his wife Pam and his kids Maggie, Garritt, Carroll, John III, and Josephine, and his three grandchildren. I am privileged to call him a friend and look forward to all the new things he will take on in the future.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

● Ms. HARRIS. Madam President, I was absent but had I been present, I would have voted no on rollcall vote No. 383 the confirmation of Executive Calendar No. 479, Richard Ernest Myers II, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Madam President, I was absent but had I been present, I would have voted no on rollcall vote No. 384, the confirmation of Executive Calendar No. 489, Sherri A. Lydon, of South Carolina, to be United States District Judge for the District of South Carolina.

Madam President, I was absent but had I been present I would have voted no on rollcall vote No. 386, the motion to invoke cloture on Executive Calendar No. 533, Patrick J. Bumatay, of California, to be United States Circuit Judge for the Ninth Circuit.

#### THE OVER-THE-COUNTER MONOGRAPH SAFETY, INNOVATION, AND REFORM ACT

Mr. CASEY. Madam President, today, the Senate passed S. 2740, the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019, which will completely overhaul and improve how the Food and Drug Administration—FDA—regulates over-the-counter—OTC—or nonprescription, drugs. These medicines are used by Americans every day, but our regulatory system has been stuck in the 1970s and has not kept pace with innovation or the need to ensure appropriate consumer protections. Senator JOHNNY ISAKSON and I have been working on this legislation since 2016.

This legislation creates a modern regulatory system for OTC drugs, providing the FDA with new resources to be able to review changes to existing OTC drugs and allow the marketing of new OTC drugs. FDA will have the authority to take swift action to protect the American public if a serious problem arises and to make changes to how OTC drugs are allowed to be sold if the science indicates that the steps are necessary to ensure that these products are used safely.

The Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019 establishes a streamlined administrative process which allows the FDA to modify a drug's safety labeling to address new health risks. The act is intended to modernize and accelerate regulatory procedures applicable to OTC drugs and will also allow for increased innovation. However, patient safety and manufacturer accountability are of equal importance. As such, nothing in this act is intended to change, diminish, or prohibit a manufacturer from performing any duty or complying with any requirement to warn consumers that exists under State or Federal law or to prevent any labeling changes pursuant to any other applicable provision of the Federal Food, Drug, and Cosmetic Act or FDA regulation. It is imperative that consumers have accurate information regarding the safety of over-the-counter drugs, and this bill is intended to improve that process while maintaining the existing rights of consumers to access the courts and hold manufacturers accountable when harmed.

This legislation has bipartisan support and also broad support from key stakeholders in public health, healthcare, and industry. I am deeply grateful for the work of my colleagues, notably Senator JOHNNY ISAKSON—the bill's sponsor; and the chairman and ranking Member of the Committee on Health, Education, Labor, and Pensions, Senator LAMAR ALEXANDER and Senator PATTY MURRAY, and their staffs for their continued support for this important effort. As a result of our work, American consumers will be able to have greater confidence in their over-the-counter drugs and will benefit from new innovation in the years to come.

Mrs. MURRAY. Mr. President, I thank Senator CASEY for his leadership on this important issue and agree wholeheartedly with his statement on S. 2740, the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019.

Mr. BURR. Madam President, I want to take a few moments to explain why I am opposed to the OTC reform legislation offered by Senator ISAKSON. Senator ISAKSON and I worked together on many pieces of FDA legislation, and I have no doubt that he worked tirelessly to draft this bill in the best interest of patients. I will miss working closely with my colleague from Georgia to improve the lives of the millions of Americans touched by the U.S. Food and Drug Administration's work each day.

I want to be clear that I agree reforms are needed within the over-the-counter drug division at the FDA. I simply disagree on the way in which this legislation provides the resources to achieve these reforms because I do not believe it will result in my colleague's desired outcome. Here is why.

I reformed the FDA in 1997 with the passage of the FDA Modernization Act,

which I like to call FDAMA. One of the foundational principles of that legislation was to bring more certainty, predictability, and accountability to an agency that had lost its way, failing to bring new drugs and medical devices to market in the United States in a timely manner. Twenty-two years later, I am starting to see the implementation of major provisions of this law. Two decades after its passage, the FDA is finally putting key policies into practice that Congress demanded. Two decades is an unacceptable amount of time for Americans to wait.

One of the components of FDAMA was the reauthorization of certain user fee programs. Over these past two decades, we have seen FDA's user fee agreements increase with each 5-year cycle, bringing more resources into the agency to review drug, biologic and device applications.

When the drug industry first agreed to user fees in 1993, the fee to file a new drug application with the FDA was \$100,000. Today, that fee is \$2.1 million. To that end, FDA has struggled to uphold its end of the deal, falling behind in its commitment to hire the number of individuals the agency needs to actually review the applications that cost millions of dollars to file. The FDA continues to increase the amount of user fee dollars it requires to review applications, eroding the balance of congressional oversight provided by the appropriation of taxpayer dollars to the agency.

I would caution my colleagues that we are currently experiencing the effects of a center at the FDA that receives 100 percent of its funds from user fees, the Center for Tobacco Products. The CTP has had 10 years and received over \$5 billion in user fee resources. It has yet to finalize a single governing regulation for the products Congress tasked the CTP with regulating. Meanwhile, youth rates of vapor product use continue to increase and 2,000 Americans have fallen ill from the use of unregulated products. I have spoken many times on my concerns with the growth and development of FDA user fee programs because they have not resulted in the development of an FDA that keeps its promises. I promise my colleagues that the user fee program included in this bill will not be any different.

While the Senate has wrestled with solutions to high drug costs for the last 18 months, we are voting to approve a bill that increases the development costs for one of Americans' cheapest options for care. The over-the-counter user fee bill provides millions of dollars in new industry funds to reform the OTC system at FDA, and the agency is asking for tens of millions of dollars to deal with a backlog of OTC monographs or recipes to create over the counter medications.

User fee dollars are intended to go toward the review of applications, but I can assure my colleagues this is not the full story at the Agency today.

Last year alone, \$133 million in drug user fees went toward administrative expenses at the FDA, funds that may otherwise help to invest in new treatments or cures for Americans. This is very simple math, the more user fee programs we provide to the FDA, the less the FDA is accountable and responsive to Congress.

Through FDAMA and more recently in the 21st Century Cures Act and the 2017 FDA user fee bill, I worked to rebalance the focus of the FDA, to reaffirm its authorities to regulate the cutting edge science facing the agency, and to better leverage and strategically invest its existing resources. So I cannot support legislation that degrades the progress we have made at the FDA.

#### REMEMBERING RACHELLE BERGERON HAMMERLING

Mr. RUBIO. Madam President, today, I honor the life and work of Rachelle Bergeron Hammerling, a human rights lawyer who served as the acting Attorney General of Yap in Micronesia when she was murdered just a couple of months ago. Rachelle was killed in front of her home on October 14, 2019, as a direct result of her courageous fight against human trafficking, domestic violence, and sexual abuse. She was just 33 years old, but her legacy will live on through her family and the communities she made the ultimate sacrifice to serve.

Rachelle was born in Waukesha, WI, to parents Thomas and Tammy Bergeron in 1986. After growing up in Wisconsin, Rachelle went on to obtain a juris doctorate from the University of Florida College of Law in 2010, an experience her family says she loved.

When Rachelle graduated from law school, her passion to help others led her to volunteer with the International Justice Mission in India, where she represented women and children who had been trafficked. Rachelle spent her career prosecuting criminals involved with sex trafficking and worked tirelessly to protect the poor against violence. Rachelle's work took her around the United States, including New York and Washington, DC. She was a member of the New York State Bar and created the "Not-So-Super" campaign video as an effort to raise awareness regarding human trafficking during the 2014 Super Bowl. Her work took her to Beijing, South Africa, India, and finally the Pacific island of Yap.

Rachelle fought to give a voice to the voiceless and dedicated her life to empowering and uplifting others. About 4 years ago, Rachelle moved to Yap after accepting a job as that community's assistant attorney general. Since January 2019, she had been serving as the island's only prosecutor and as the acting attorney general, where her duties included being a part of a human trafficking task force. Rachelle was very active in the community she served and spent a lot of time in local schools

and community centers to warn against the dangers of sex trafficking.

Rachelle also met her husband, Simon Hammerling during her time in Yap. The two were married in 2018 and had planned to take in a young girl they had found sleeping on their doorstep. Rachelle passed just before the two were about to celebrate their 1-year wedding anniversary and shortly before she and her family were due to move back to the United States for a new job in Wyoming. Her passing is a tremendous loss to her family, to the community she fought to serve, and to all who knew her.

We remember Rachelle with gratitude for her life, and we honor her for her sacrifice. Scripture tells us that the righteous will rest from their labor, for their deeds will follow them. As she now rests from her tireless and courageous work on behalf of the most vulnerable among us, we know Rachelle's deeds will follow her and continue to inspire others to pursue justice as fiercely as she did.

#### TRIBUTE TO CAROLYN EDWARDS

Mr. BARRASSO. Madam President, together with Senator CARPER, I rise today to recognize Carolyn Edwards for her distinguished career and significant accomplishments at the Federal Highway Administration, FHWA.

After 46 years of exceptional Federal service, Carolyn is retiring from FHWA on January 3, 2020. She is a dedicated public servant recognized as an unparalleled national expert on Federal Highway Programs and the highway trust fund. Through her technical assistance to Congress and her policy advice to departmental and agency officials, Carolyn has provided an invaluable contribution to the programs that support our Nation's roads and bridges. She has helped to shape not only these critical highway programs, but also, as colleague and mentor, she has shaped and guided a generation of highway policy experts. Her work will have a lasting legacy for many years to come.

Carolyn's entire 46-year Federal career has been with the U.S. Department of Transportation, USDOT—44 of these with FHWA. To put Carolyn's remarkable public service longevity in perspective, FHWA was formed in 1966, only 7 years prior to her arrival. She joined FHWA in 1973 as an economist. Over the ensuing four and a half decades, she has served in a range of high-level analytical and leadership positions, including positions in FHWA's Office of Highway Policy Information and Office of Legislative Affairs and Policy Communications. She also worked in the Office of the Secretary's Office of the Assistant Secretary for Budget and Programs with a portfolio that covered FHWA programs.

Carolyn is currently a member of FHWA's Legislative Analysis Team, where she serves as the authoritative expert on a wide range of highway-related topics, including Federal highway

legislation, the highway trust fund, and the operations of the Federal-aid highway program. Throughout her successful and impressive career, she has been a "go-to reference" on these topics for both agency and departmental leaders and staff.

Among her many exemplary accomplishments, Carolyn has been in the development and implementation of every Federal surface transportation bill since the Transportation Equity Act for the 21st Century—TEA-21—was enacted in 1998. Additionally, she has also been a recipient of several prestigious honors and awards. Carolyn has been recognized with a Secretary's Team Award, two Secretarial Awards for Partnering for Excellence, and multiple FHWA Superior Achievement Awards, FHWA's highest honor award.

Carolyn exemplifies the highest standards of public service and embodies FHWA's spirit of professionalism and customer service. Over the years, the Senate Committee on Environment and Public Works, along with other congressional committees, Members of Congress, and their staff have relied on Carolyn's legislative and highway policy expertise, quick turnaround technical assistance responses, and wealth of information. Carolyn's colleagues at USDOT and FHWA have depended on her tireless efforts, her endless wealth of knowledge and willingness to share and transfer it. They will miss her indomitable spirit and her purple sweaters, purple pens, and love for everything purple to brighten their days.

Carolyn has helped shape highway policy discussions and implement new programs. Her contributions will continue to make a difference on USDOT, FHWA, and the surface transportation community. Her retirement from the Federal Government is a celebration of her dedication to the American people.

It is a great honor to recognize this exceptional public servant. Senator CARPER joins me in extending our appreciation and well wishes to Carolyn on her retirement.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ANDY PRADELLA

• Mr. MANCHIN. Madam President, Gayle and I would like to extend our warmest congratulations and very best wishes to our very dear friend Andy Pradella on his 70th birthday. What I have always admired about Andy is his unparalleled work ethic and determination to learn and serve, and to inspire those around him. I can't tell him how much his and Joanie's friendship has meant to me and Gayle throughout the years. They are like family to us. Together, they are both a match made in "Almost Heaven."

While Andy wasn't born in West Virginia, he certainly is a West Virginian in his heart and soul. In West Virginia, if you are hungry, you will be fed. If

you are lost, someone will not only give you directions but will offer to drive you to your destination. I am so deeply proud of the people of my home State and the values that make us stand out from the rest of the Nation.

It is in that same spirit that I proudly recognize Andy Pradella as an honorary West Virginian. No one fits this title better. He is one of the most generous, kindest, selfless people I have had the privilege of calling my very dear friend. He has provided so much happiness and wisdom to the lives of those around him throughout the years, and it is my wish that the memory of this special day remains with him just as his guidance and influence will remain in all the lives he has touched. Again, it is with the greatest admiration that I send to him my best wishes on his special day.

Andy, please always remember that no matter where you are, you have a home here in "Almost Heaven."•

##### TRIBUTE TO MARY HULSMAN ALLGEIER

• Mr. PAUL. Madam President, Mary Hulsman Allgeier was selected as the #1 Citizen of Schnitzelburg, a historic neighborhood in Louisville, KY. Mary has been a lifelong community advocate and volunteer. She has given to and supported those in need as a leader in Holy Family Parish for many years. In addition, Mary is a role model for women in leadership and is instrumental in ensuring members of her community understand their civic rights and responsibilities. Mary has served her community faithfully from education to civic engagement and is an example for us to follow. I am proud to join the people of Schnitzelburg in honoring Mary Allgeier as their #1 Citizen.•

##### TRIBUTE TO COLONEL FRED JOHNSON

• Mr. PAUL. Madam President, Col. Fred Johnson, U.S. Army, Retired, was honored as Kentucky's 2019 Veteran of the Year. Since his retirement from the U.S. Army in 2014, Fred Johnson has immersed himself in community service in Louisville in both existing programs, such as YouthBuild and Restorative Justice Louisville, and through developing new, innovative ways to use the arts and storytelling to help connect veterans with the broader community. His Veteran's Writing Workshop series and the innovative Shakespeare with Veterans group that he cofounded in 2016 are helping veterans communicate their stories in creative and timeless ways. Colonel Johnson remains committed to our country as is evident by his decision to teach sixth grade Social studies class at Thomas Jefferson Middle School. I am proud to recognize Col. Fred Johnson as a remarkable symbol of the rich veteran heritage of Kentucky.•

### TRIBUTE TO KAREN WEAVER

• Mr. PAUL. Madam President, Karen Weaver, a Kentucky native and a veteran of the U.S. Air Force, has been recognized as the Kentucky Female Veteran of the Year 2019. After serving on Active Duty and in the Air Force Reserve, Karen taught science at Leestown Middle School in Lexington, KY, where she began immersing herself in volunteer work for veterans. She has worked with Military Missions, an organization that sent care packages to over 8,500 deployed U.S. men and women last year. One of her current passions is Lady Veterans Connect, a nonprofit with a real heart for female veterans, particularly those who are homeless. Karen Weaver has been an incredible role model to the children of her classrooms and to the entire Commonwealth. I am honored to recognize Karen in her service to our country and our State.●

### RECOGNIZING GRANNY CANTRELL'S RESTAURANT

• Mr. RUBIO. Madam President, as the chairman of the Senate Committee on Small Business and Entrepreneurship, each week I am privileged to honor an American small business for its dedication to dignified work and its surrounding community. This week, it is my honor to recognize Granny Cantrell's Restaurant of Panama City, FL, for its achievements.

Founded in 2002 by Doug Crosby and his family, Granny Cantrell's is well known for its delicious southern comfort food and catering. Based on recipes from friends, neighbors, family, and local churches, Granny Cantrell's food consists of familiar items such as fried chicken, pot roast, and macaroni and cheese. Since opening more than 17 years ago, Granny Cantrell's has experienced success and continued growth. Their menu has expanded beyond comfort food to offer a variety of daily specials and health-conscious options. Today, they are an important part of the Panama City community, attracting and retaining customers who enjoy their food at the restaurant, as well as at catered events.

Granny Cantrell's dedication to the greater Panama City community is unmatched. In the days following the landfall of Hurricane Michael in 2018, Granny Cantrell's worked tirelessly with local authorities to ensure that the city's employees were fed. Additionally, with the help of likeminded community partners, Granny Cantrell's restaurant was able to provide and hand-deliver more than 500 prepacked Thanksgiving meals and 400 cupcakes to those in need after the hurricane. In recent years, Doug and the Granny Cantrell's team have also opened the restaurant's doors as a drop-off location for Coats for Kids, a Bay County program that collects and distributes gently used coats to prepare local children for the winter.

Their dedication to the Florida community, their fantastic homemade dishes, and exemplary customer service has certainly not gone unnoticed. For 9 years running, Granny Cantrell's has been awarded Panama City News Herald's Best of the Bay Award, highlighting its customers' loyalty and integral place in the local economy. Furthermore, Granny Cantrell's has been awarded the Reader's Choice Award by Panama City Living for several years in a row to commemorate their outstanding food and customer service.

Small businesses play an important role in supporting and uplifting their communities. Granny Cantrell's is a prime example of the bonds that small businesses can create when such an integral role is bolstered. I am proud to recognize this Florida business for its reflection of America's unique entrepreneurial spirit and its dedication to the common good of its community. Congratulations to the entire Granny Cantrell's team. I look forward to watching your continued success.●

### MESSAGES FROM THE HOUSE

At 10:36 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 256. An act to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages.

S. 737. An act to direct the National Science Foundation to support STEM education research focused on early childhood.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2051. An act to provide for Federal coordination of activities supporting sustainable chemistry, and for other purposes.

H.R. 3318. An act to require the Transportation Security Administration to establish a task force to conduct an analysis of emerging and potential future threats to transportation security, and for other purposes.

H.R. 3469. An act to direct the Transportation Security Administration to carry out covert testing and risk mitigation improvement of aviation security operations, and for other purposes.

H.R. 3669. An act to require the Secretary of Homeland Security to conduct a collective response to a terrorism exercise that includes the management of cascading effects on critical infrastructure during times of extreme cold weather, and for other purposes.

H.R. 4355. An act to direct the Director of the National Science Foundation to support research on the outputs that may be generated by generative adversarial networks, otherwise known as deepfakes, and other comparable techniques that may be developed in the future, and for other purposes.

H.R. 4372. An act to direct Federal science agencies and the Office of Science and Technology Policy to undertake activities to improve the quality of undergraduate STEM education and enhance the research capacity at the Nation's HBCUs, TCUs, and MSIs, and for other purposes.

H.R. 4373. An act to provide for a coordinated Federal research initiative to ensure

continued United States leadership in engineering biology.

H.R. 4402. An act to require the Secretary of Homeland Security to conduct an inland waters threat analysis, and for other purposes.

H.R. 4566. An act to accelerate the income tax benefits for charitable cash contributions for the relief of the families of victims of the mass shooting in Virginia Beach, Virginia, on May 31, 2019.

H.R. 4713. An act to amend the Homeland Security Act of 2002 to make certain improvements in the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, and for other purposes.

H.R. 4727. An act to amend the Homeland Security Act of 2002 to establish a mentor-protégé program, and for other purposes.

H.R. 4739. An act to amend the Homeland Security Act of 2002 to protect U.S. Customs and Border Protection officers, agents, other personnel, and canines against potential synthetic opioid exposure, and for other purposes.

H.R. 4761. An act to ensure U.S. Customs and Border Protection officers, agents, and other personnel have adequate synthetic opioid detection equipment, that the Department of Homeland Security has a process to update synthetic opioid detection capability, and for other purposes.

The message further announced that pursuant to 10 U.S.C. 9455(a), and the order of the House of January 3, 2019, the Speaker appoints the following Member on the part of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Ms. Speier of California.

At 5:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5363. An act to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions, 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. 2051. An act to provide for Federal coordination of activities supporting sustainable chemistry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3318. An act to require the Transportation Security Administration to establish a task force to conduct an analysis of emerging and potential future threats to transportation security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3469. An act to direct the Transportation Security Administration to carry out covert testing and risk mitigation improvement of aviation security operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3669. An act to require the Secretary of Homeland Security to conduct a collective response to a terrorism exercise that includes the management of cascading effects on critical infrastructure during times of extreme cold weather, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4355. An act to direct the Director of the National Science Foundation to support



research on the outputs that may be generated by generative adversarial networks, otherwise known as deepfakes, and other comparable techniques that may be developed in the future, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4372. An act to direct Federal science agencies and the Office of Science and Technology Policy to undertake activities to improve the quality of undergraduate STEM education and enhance the research capacity at the Nation's HBCUs, TCUs, and MSIs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4373. An act to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology; to the Committee on Commerce, Science, and Transportation.

H.R. 4402. An act to require the Secretary of Homeland Security to conduct an inland waters threat analysis, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4713. An act to amend the Homeland Security Act of 2002 to make certain improvements in the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4727. An act to amend the Homeland Security Act of 2002 to establish a mentor-protégé program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4739. An act to amend the Homeland Security Act of 2002 to protect U.S. Customs and Border Protection officers, agents, other personnel, and canines against potential synthetic opioid exposure, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4761. An act to ensure U.S. Customs and Border Protection officers, agents, and other personnel have adequate synthetic opioid detection equipment, that the Department of Homeland Security has a process to update synthetic opioid detection capability, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3009. A bill to provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3450. A communication from the Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents" (RIN0584-AE57) received in the Office of the President of the Senate on December 9, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3451. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Indiana; Indiana RACT SIP and Negative Declaration for the Oil and Natural Gas Industry Control Techniques Guidelines" (FRL No. 10003-02-Region 5) received in the Office of the President of the Senate on December 9, 2019; to the Committee on Environment and Public Works.

EC-3452. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Tennessee; Knox County Miscellaneous Revisions" (FRL No. 10002-97-Region 4) received in the Office of the President of the Senate on December 9, 2019; to the Committee on Environment and Public Works.

EC-3453. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Regulatory Definition of Volatile Organic Compounds" (FRL No. 10002-99-Region 3) received in the Office of the President of the Senate on December 9, 2019; to the Committee on Environment and Public Works.

EC-3454. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Approval of the Indiana 1997 Ozone Second Full Maintenance Plans" (FRL No. 10002-93-Region 5) received in the Office of the President of the Senate on December 9, 2019; to the Committee on Environment and Public Works.

EC-3455. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Dakota Department of Environmental Quality: Incorporation by Reference of State Hazardous Waste Management Program" (FRL No. 10001-40-Region 8) received in the Office of the President of the Senate on December 9, 2019; to the Committee on Environment and Public Works.

EC-3456. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treasury Decision (TD): Base Erosion and Anti-Abuse Tax" (RIN1545-B056) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Finance.

EC-3457. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Dates of Five Body Systems Listings" (RIN0960-A145) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Finance.

EC-3458. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2019 Required Amendments List for Qualified Retirement Plans and section 403(b) Retirement Plans" (Notice 2019-64) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Finance.

EC-3459. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background state-

ments of international agreements, other than treaties (List 2019-0115 - 2019-0117); to the Committee on Foreign Relations.

EC-3460. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of firearms abroad controlled under Category I of the U.S. Munitions Lists of automatic rifles to Qatar for end use by the Ministry of the Interior in the amount of \$1,000,000 or more (Transmittal No. DDTC 18-083); to the Committee on Foreign Relations.

EC-3461. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of firearms abroad controlled under Category I of the U.S. Munitions Lists of 5.56mm automatic rifles to Kuwait for end use by the Ministry of the Interior in the amount of \$1,000,000 or more (Transmittal No. DDTC 19-070); to the Committee on Foreign Relations.

EC-3462. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to Australia in support of the F135 propulsion system for end use in the F-35 Lightning II Joint Strike Fighter aircraft in the amount of \$100,000,000 or more (Transmittal No. DDTC 19-056); to the Committee on Foreign Relations.

EC-3463. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semi-annual Report to Congress for the period from April 1, 2019, through September 30, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-3464. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's fiscal year 2019 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3465. A communication from the Acting Chief Financial Officer and Associate Administrator for Performance Management, Small Business Administration, transmitting, pursuant to law, the Administration's fiscal year 2019 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3466. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Healing Veterans Medical Access and Scholarship" (RIN2900-AQ54) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Veterans' Affairs.

EC-3467. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Revisions To Catch Sharing Plan and Domestic Management Measures in Alaska" (RIN0648-BH94) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3468. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in

the Bering Sea and Aleutian Islands Management Area” (RIN0648-XY55) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3469. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area” (RIN0648-XY16) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3470. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 50 Feet Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska” (RIN0648-XX25) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3471. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries” (RIN0648-XT27) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3472. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2019–2020 Commercial Quota Reduction for King Mackerel Run-Around Gillnet Fishery” (RIN0648-XS008) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3473. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; 2020 Atlantic Shark Commercial Fishing Year” (RIN0648-XP004) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3474. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2019 Management Area 1A Sub-Annual Catch Limit Harvested” (RIN0648-XX033) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3475. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Jonah Crab Fishery; Interstate Fishery Management Plan for Jonah Crab” (RIN0648-BF43) received during adjournment of the Senate in the Office of the President of the Senate on

December 6, 2019; to the Committee on Commerce, Science, and Transportation.

EC-3476. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; 2020 Atlantic Shark Commercial Fishing Year” (RIN0648-XT004) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2019; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1342. A bill to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, and for other purposes (Rept. No. 116-170).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

\*Peter J. Coniglio, of Virginia, to be Inspector General, Export-Import Bank.

\*David Carey Woll, Jr., of Connecticut, to be an Assistant Secretary of Housing and Urban Development.

\*Mitchell A. Silk, of New York, to be an Assistant Secretary of the Treasury.

\*John Bobbitt, of Texas, to be an Assistant of Housing and Urban Development.

\*Brian D. Montgomery, of Texas, to be Deputy Secretary of Housing and Urban Development.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRUZ (for himself, Mr. CRAPO, Mr. KENNEDY, Mr. TILLIS, Mr. INHOFE, Mr. LEE, Mrs. HYDE-SMITH, Mr. CORNYN, Mr. SASSE, and Mr. BRAUN):

S. 3003. A bill to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARKEY (for himself, Mrs. SHAHEEN, Mr. MERKLEY, Ms. BALDWIN, Ms. KLOBUCHAR, and Mr. CASEY):

S. 3004. A bill to protect human rights and enhance opportunities for LGBTI people around the world, and for other purposes; to the Committee on Foreign Relations.

By Mr. ISAKSON (for himself and Mr. COONS):

S. 3005. A bill to require the Secretary of Transportation to promulgate standards and regulations requiring all new commercial motor vehicles to be equipped with technology to limit maximum operating speed, to require existing speed-limiting technologies already installed in commercial motor vehicles manufactured after 1992 to be used while in operation, and to require that the maximum safe operating speed of commercial motor vehicles shall not exceed 65 miles per hour, or 70 miles per hour with certain safety technologies; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself, Mr. JONES, Mr. KING, and Mr. GARDNER):

S. 3006. A bill to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in the emergency department who are at risk or suicide, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BLACKBURN (for herself and Ms. CORTEZ MASTO):

S. 3007. A bill to amend title 18, United States Code, to require a provider of a report to the CyberTipline related to online sexual exploitation of children to preserve the contents of such report for 180 days, and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Ms. DUCKWORTH):

S. 3008. A bill to amend the Small Business Act to clarify the treatment of certain surviving spouses under the definition of small business concern owned and controlled by service-disabled veterans; to the Committee on Small Business and Entrepreneurship.

By Mr. LANKFORD (for himself, Ms. HASSAN, Mr. ENZI, Mr. JOHNSON, Mr. KING, and Mr. KAINE):

S. 3009. A bill to provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations; read the first time.

By Mr. PORTMAN (for himself and Mr. CASEY):

S. 3010. A bill to amend title XIX of the Social Security Act to enable greater participation by seniors and Medicare beneficiaries in State Medicaid programs for working people with disabilities; to the Committee on Finance.

By Mrs. MURRAY:

S. 3011. A bill to authorize demonstration projects to improve educational and housing outcomes for children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY:

S. 3012. A bill to amend the Private Security Officer Employment Authorization Act of 2004 to establish a national criminal history background check system and criminal history review program for private security officers; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself and Mr. CRAPO):

S. 3013. A bill to amend title XVIII of the Social Security Act to allow for the offering of additional prescription drug plans under Medicare part D; to the Committee on Finance.

By Mr. MARKEY:

S. 3014. A bill to require congressional approval for civilian nuclear cooperation under certain circumstances, and for other purposes; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARKEY (for himself, Mr. CARPER, Mr. REED, Mr. WYDEN, Mr. CASEY, Ms. HASSAN, Ms. SMITH, Mr. MERKLEY, Mr. BOOKER, Mr. DURBIN, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mrs. SHAHEEN, Mr. BLUMENTHAL, and Mr. WHITEHOUSE):

S. Res. 449. A resolution expressing the sense of the Senate that the Nation, States, cities, Tribal nations, and businesses, institutions of higher education, and other institutions in the United States should work toward achieving the goals of the Paris Agreement; to the Committee on Foreign Relations.

By Mr. COONS (for himself and Mr. TILLIS):

S. Res. 450. A resolution recognizing the 71st anniversary of the Universal Declaration of Human Rights and the celebration of "Human Rights Day"; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Ms. STABENOW, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. CANTWELL, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mrs. GILLIBRAND, Ms. WARREN, Mrs. FISCHER, Mrs. CAPITO, Ms. ERNST, Ms. DUCKWORTH, Ms. HASSAN, Ms. HARRIS, Ms. SMITH, Mrs. HYDE-SMITH, Mrs. BLACKBURN, Ms. SINEMA, Ms. MCSALLY, Ms. ROSEN, Ms. HIRONO, Ms. CORTEZ MASTO, Ms. BALDWIN, and Ms. MURKOWSKI):

S. Res. 451. A resolution congratulating astronauts Dr. Jessica U. Meir and Christina H. Koch for the historic accomplishment of completing the first all-female spacewalk; considered and agreed to.

By Mr. ISAKSON (for himself, Mr. COONS, Mr. RISCH, Mr. MENENDEZ, Mr. SULLIVAN, and Mr. BOOKER):

S. Res. 452. A resolution commemorating and supporting the goals of World AIDS Day; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 109

At the request of Mr. WICKER, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 109, a bill to prohibit taxpayer funded abortions.

S. 133

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 133, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 182

At the request of Mr. KENNEDY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 182, a bill to prohibit discrimination against the unborn on the basis of sex, and for other purposes.

S. 251

At the request of Ms. CORTEZ MASTO, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 251, a bill to establish

the Interdiction for the Protection of Child Victims of Exploitation and Human Trafficking Program to train law enforcement officers to identify and assist victims of child exploitation and human trafficking.

S. 500

At the request of Mr. PORTMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 500, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 505

At the request of Ms. DUCKWORTH, the names of the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 505, a bill to ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic.

S. 510

At the request of Mr. MARKEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 510, a bill to amend the Communications Act of 1934 to provide for certain requirements relating to charges for internet, television, and voice services, and for other purposes.

S. 511

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 511, a bill to promote and protect from discrimination living organ donors.

S. 580

At the request of Ms. ERNST, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 580, a bill 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.

S. 651

At the request of Mr. CASEY, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 651, a bill to amend the Internal Revenue Code of 1986 to increase the age requirement with respect to eligibility for qualified ABLE programs.

S. 879

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 879, a bill to provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements, and for other purposes.

S. 995

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. REED) and the Senator from

Arizona (Ms. SINEMA) were added as cosponsors of S. 995, a bill to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care.

S. 1130

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1130, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 1254

At the request of Mr. YOUNG, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1254, a bill to require the Secretary of Transportation to review and report on certain laws, safety measures, and technologies relating to the illegal passing of school buses, and for other purposes.

S. 1563

At the request of Mr. BURR, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 1563, a bill to amend the Public Health Service Act with respect to the Agency for Toxic Substances and Disease Registry's review and publication of illness and conditions relating to veterans stationed at Camp Lejeune, North Carolina, and their family members, and for other purposes.

S. 1820

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1820, a bill to improve the integrity and safety of horseracing by requiring a uniform antidoping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority.

S. 1863

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1863, a bill to require the Secretary of the Interior to conduct a special resource study of the sites associated with the life and legacy of the noted American philanthropist and business executive Julius Rosenwald, with a special focus on the Rosenwald Schools, and for other purposes.

S. 1908

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1908, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 1989

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1989, a bill to amend title XVIII of the Social Security Act to provide for transparency of Medicare secondary payer reporting information, and for other purposes.

S. 2001

At the request of Ms. STABENOW, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 2001, a bill to award a Congressional Gold Medal to Willie O'Ree, in recognition of his extraordinary contributions and commitment to hockey, inclusion, and recreational opportunity.

S. 2179

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 2179, a bill to amend the Older Americans Act of 1965 to provide social service agencies with the resources to provide services to meet the urgent needs of Holocaust survivors to age in place with dignity, comfort, security, and quality of life.

S. 2365

At the request of Mr. UDALL, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 2365, a bill to amend the Indian Health Care Improvement Act to authorize urban Indian organizations to enter into arrangements for the sharing of medical services and facilities, and for other purposes.

S. 2434

At the request of Mr. PETERS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2434, a bill to establish the National Criminal Justice Commission.

S. 2539

At the request of Mr. RUBIO, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 2539, a bill to modify and reauthorize the Tibetan Policy Act of 2002, and for other purposes.

S. 2546

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2546, a bill to amend the Employee Retirement Income Security Act of 1974 to require a group health plan or health insurance coverage offered in connection with such a plan to provide an exceptions process for any medication step therapy protocol, and for other purposes.

S. 2561

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2561, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 2570

At the request of Ms. SINEMA, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2570, a bill to award a Congressional Gold Medal to Greg LeMond in recognition of his service to the United States as an athlete, activist, role model, and community leader.

S. 2661

At the request of Mr. GARDNER, the names of the Senator from Arizona (Ms. SINEMA), the Senator from Indiana (Mr. YOUNG) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 2661, a bill to amend the Communications Act of 1934 to designate 9-8-8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

S. 2683

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 2683, a bill to establish a task force to assist States in implementing hiring requirements for child care staff members to improve child safety.

S. 2740

At the request of Mr. CASEY, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 2740, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application, and for other purposes.

S. 2754

At the request of Mr. KENNEDY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2754, a bill to create jobs and drive innovation and economic growth in the United States by supporting and promoting the manufacture of next-generation technologies, including refrigerants, solvents, fire suppressants, foam blowing agents, aerosols, and propellants.

S. 2772

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2772, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 2791

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2791, a bill to amend title 5, United States Code, to provide that sums in the Thrift Savings Fund may not be invested in securities that are listed on certain foreign exchanges, and for other purposes.

S. 2794

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2794, a bill to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives, to require the

expeditious public transmission to the Archivist and public disclosure of Missing Armed Forces Personnel records, and for other purposes.

S. 2802

At the request of Ms. CANTWELL, the names of the Senator from Alaska (Mr. SULLIVAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 2802, a bill to amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue and Response Grant Program, and for other purposes.

S. 2803

At the request of Mr. BROWN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2803, a bill to provide Federal housing assistance on behalf of youths who are aging out of foster care, and for other purposes.

S. 2826

At the request of Mr. YOUNG, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 2826, a bill to require a global economic security strategy, and for other purposes.

S. 2836

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2836, a bill to prohibit the Secretary of Health and Human Services from taking any action to implement, enforce, or otherwise give effect to the final rule, entitled "Protecting Statutory Conscience Rights in Health Care; Delegations of Authority".

S. 2871

At the request of Mr. UDALL, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2871, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments under the Indian Health Service Loan Repayment Program and certain amounts received under the Indian Health Professions Scholarships Program.

S. 2881

At the request of Mr. WICKER, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2881, a bill to require the Federal Communications Commission to make not less than 280 megahertz of spectrum available for terrestrial use, and for other purposes.

S. 2898

At the request of Mr. INHOFE, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2898, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 2944

At the request of Ms. MCSALLY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2944, a bill to amend title 10, United States Code, to include digital

breast tomosynthesis as a primary and preventative health care service under the military health system and the TRICARE program.

S. 2953

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 2953, a bill to provide congressional oversight of United States talks with Taliban officials and Afghanistan's comprehensive peace process.

S. 2984

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 2984, a bill to amend the Internal Revenue Code of 1986 to allow for certain residential rental property to be depreciated over a 30-year period.

S. RES. 142

At the request of Mr. MARKEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 142, a resolution condemning the Government of the Philippines for its continued detention of Senator Leila De Lima, calling for her immediate release, and for other purposes.

S. RES. 152

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 152, a resolution expressing the importance of the United States alliance with the Republic of Korea and the contributions of Korean Americans in the United States.

S. RES. 215

At the request of Mr. BRAUN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 215, a resolution calling for greater religious and political freedoms in Cuba, and for other purposes.

S. RES. 260

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 260, a resolution recognizing the importance of sustained United States leadership to accelerating global progress against maternal and child malnutrition and supporting the commitment of the United States Agency for International Development to global nutrition through the Multi-Sectoral Nutrition Strategy.

S. RES. 318

At the request of Mr. RISCH, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 318, a resolution to support the Global Fund to fight AIDS, Tuberculosis and Malaria, and the Sixth Replenishment.

S. RES. 371

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 371, a resolution reaffirming the support of the United States for the people of the Republic of South Sudan and calling on all parties to uphold their commitments to peace and dialogue as outlined in the 2018 revitalized peace agreement.

S. RES. 385

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 385, a resolution celebrating the 30th anniversary of the fall of the Berlin Wall, the reunification of both Germany and Europe, and the spread of democracy around the world.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. LANKFORD (for himself, Ms. HASSAN, Mr. ENZI, Mr. JOHNSON, Mr. KING, and Mr. Kaine):

S. 3009. A bill to provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations; read the first time.

Mr. LANKFORD. Mr. President, 2019 is almost over, but there is a lot that still has to be done on this floor.

A lot of bills have moved through this year. In fact, we have had 78 bills that have been signed into law so far this year.

This year, as we worked through the process, we have had quite a few judges and nominations that the Senate has actually worked through. In fact, by the end of this week, we will have confirmed our 50th circuit court judge.

There is a lot of engagement, but with a week and a half left on this floor, we still have issues like the United States-Mexico-Canada Trade Agreement. That agreement, which is called the USMCA, has been sitting over in the House for 14 months. It looks like the House is now going to take it up this week or next week after 14 months of its being there. We are pleased to see some movement there. We have to see the final implementing language on that.

We hope to move the national defense authorization bill. That has been waiting for months and months and months under the capable leadership of Senator INHOFE, who is trying to negotiate with the House to get that done. Hopefully that will get done either this week or next week, but it is cramming into the end of the year.

We have 12 appropriations bills that are still unfinished, and we face a deadline of December 20, or we will run into another government shutdown, which brings me to a bill that Senator HASSAN and I are dropping today, something we have negotiated for months across party lines to be able to have a nonpartisan solution to how we can never ever again discuss government shutdowns.

This past week when I was flying back to DC from home, on the plane as I was coming up, there was a Federal employee who caught me in the aisle of the plane and said: Hey, I hear you are working on stopping government shutdowns. Thank you.

Her next comment surprised me, though. She said she has worked for a Federal agency for years, but she is retiring in January because she is so tired of constantly having to prepare for, get set for a government shutdown that may be pending in the days ahead. It has worn her out.

Someone who has great wisdom and experience and is serving in one of our Federal agencies is retiring in January, and we will lose those years of experience because she is tired of dealing with shutdowns. I don't blame her, quite frankly, although I wish she wouldn't leave. I don't blame her because year after year we end up in this same conversation: Are we going to have another shutdown?

It seems like every year, as we approach Christmas, Federal families across the country wonder if they are about to be furloughed and won't get a check soon.

Federal agency leaders—those who are Senate confirmed all the way through the process of leadership—are not spending their time on vision-setting and on oversight; they are spending their time in their office having to figure out what to do in case there is a government shutdown or working through the process of a continuing resolution because they only get funding a few days at a time.

All of us know this is bad, but for years, we have discussed ending government shutdowns but have never done it. Senator HASSAN and I have put together a nonpartisan bill that is a very straightforward approach that we bring to this body and to the House to say: Let's take government shutdowns off the table forever. Let's make this so that in the decades ahead, we will talk about the way back days long ago when we used to have government shutdowns. In this body now, we have had 21 government shutdowns in the last 40 years. Let's talk about the days that used to happen but never happens again.

We have a very straightforward, simple solution. Our simple solution is, if we get to the end of the funding cycle—at this point, it would be December 20—we will have an automatic continuing resolution that kicks in so that Federal families don't feel the effect of that across the country. They are not on furlough, but Members of Congress and our staff work 7 days a week. We have session here 7 days a week, and we can't move to bills other than appropriations for 30 days so that we are locked into settling the appropriations issue.

The simple resolution is, if we get to the end of the fiscal year and our work is not done, we keep working until it is done. It is not that hard, but we have never made the commitment to each other that we will stay here and continue to work until it is done. What we have done instead is one of two things. We just punt a CR, a continuing resolution, for months at a time and say "OK. Let's get back to this in 8

weeks,” which is what we did before, and then before that, there was a 4-week continuing resolution. So we just punt it out and say, “We will keep going, and we will try to figure this out later,” which puts a lot of chaos in agencies, or we do a government shutdown while we argue. We go home, and Federal workers are on furlough.

Let’s commit to each other that we will never do that again. We will never punt Federal workers on furlough because we can’t resolve our differences. Let’s also commit to each other that when we get to the end of the fiscal year, we will resolve the problem right then. There is nothing different this week than there was 7 weeks ago when we first started a continuing resolution. There is nothing different about it other than we have just decided to go ahead and get it resolved.

When we get to the end of the problem, this Congress needs a deadline to resolve it. Let’s make it, and let’s make it very simple and straightforward: We will stay at it until we solve it—that is our commitment—and we will hold Federal workers harmless through that process.

Senator HASSAN and I have worked on this for months. We have three Republicans and three Democrats as we are putting this in front of this body today. We have multiple folks who have already contacted us and said they want to be added as cosponsors as soon as we drop it.

Well, today is the day we have introduced that bill, and we would welcome any of the 100 of us to join us in a non-partisan bill to end government shutdowns forever. Let’s keep working until we solve the problem.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 449—EXPRESSING THE SENSE OF THE SENATE THAT THE NATION, STATES, CITIES, TRIBAL NATIONS, AND BUSINESSES, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER INSTITUTIONS IN THE UNITED STATES SHOULD WORK TOWARD ACHIEVING THE GOALS OF THE PARIS AGREEMENT

Mr. MARKEY (for himself, Mr. CARPER, Mr. REED, Mr. WYDEN, Mr. CASEY, Ms. HASSAN, Ms. SMITH, Mr. MERKLEY, Mr. BOOKER, Mr. DURBIN, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mrs. SHAHEEN, Mr. BLUMENTHAL, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 449

Whereas all of the 197 parties to the United Nations Framework Convention on Climate Change have signed or acceded to the decision by the United Nations Framework Convention on Climate Change’s 21st Conference of Parties in Paris, France, adopted December 12, 2015 (referred to in this preamble as the “Paris Agreement”);

Whereas the “Special Report on Global Warming of 1.5 °C” by the Intergovernmental Panel on Climate Change and the Fourth National Climate Assessment report found that—

(1) human activity is the dominant cause of observed climate change over the past century;

(2) a changing climate is causing sea levels to rise and an increase in wildfires, severe storms, droughts, and other extreme weather events that threaten infrastructure and human life;

(3) global warming at or above 2 degrees Celsius beyond pre-industrialized levels will cause—

(A) mass migration from regions most affected by climate change;

(B) more than \$500,000,000,000 in lost annual economic output in the United States by the year 2100;

(C) wildfires that, by 2050, will annually burn at least twice as much forest area in the western United States than was typically burned by wildfires in the years preceding 2019;

(D) a loss of greater than 99 percent of all coral reefs on Earth;

(E) more than 350,000,000 more people to be exposed globally to deadly heat stress by 2050; and

(F) a risk of damage to public infrastructure and coastal real estate in the United States valued at an estimated \$1,000,000,000,000;

(4) global temperatures must be kept below 1.5 degrees Celsius above pre-industrialized levels to avoid the most severe impacts of a changing climate; and

(5) limiting global warming will require the extensive use of clean, renewable energy sources, low-carbon-emitting vehicles, energy efficiency, reforestation, and accounting of carbon emissions equal to the social and environmental costs of those emissions;

Whereas, in 2018, carbon dioxide emissions from fossil fuel consumption in the United States rose 2.8 percent after the economy of the United States grew by 18.4 percent between 2005 and 2016, while net greenhouse gas emissions decreased by 12.1 percent during that period;

Whereas 37 States have set renewable energy goals;

Whereas 29 of the 37 States that have set renewable energy goals, 3 territories of the United States, and the District of Columbia have adopted renewable electricity standard requirements to demand clean energy production;

Whereas 23 States and the District of Columbia have adopted greenhouse gas emissions targets;

Whereas 27 States have adopted energy efficiency resource standards;

Whereas 10 States have adopted zero-emission vehicle targets;

Whereas 9 States have implemented the Regional Greenhouse Gas Initiative to construct a market-based system that sets a cap on emissions from the electric sector that declines by—

(1) 2.5 percent per year through 2020; and

(2) 3 percent per year from 2021 through 2030;

Whereas the States of Virginia, New Jersey, and Pennsylvania are making efforts to join the Regional Greenhouse Gas Initiative in 2020;

Whereas the State of California has a strategy to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030;

Whereas, in the United States, 90 cities, 11 counties, 2 States, and the District of Columbia have adopted 100 percent clean and renewable energy goals, and 217 companies have committed to 100 percent renewable energy;

Whereas more than 3,200,000 people in the United States work in clean energy in all 50 States, including in industries relating to wind energy, solar energy, energy efficiency, clean vehicles, and energy storage;

Whereas, in 2017, approximately 457,000 people in the United States were working in the solar and wind industries, including roofers, electricians, and steel workers;

Whereas the majority of clean energy jobs in the United States are blue collar jobs that pay well;

Whereas the “2018 U.S. Energy and Employment Report” found that jobs in the energy efficiency and renewable energy sector outnumber fossil fuel jobs in the United States 3 to 1;

Whereas the establishment of the vehicle fuel economy emissions standards agreed to in 2012 for vehicle model years 2022 through 2025—

(1) is the single most significant action that has been taken to reduce global warming pollution;

(2) has helped create more than 1,070,000 domestic jobs in the automobile industry of the United States;

(3) will save consumers in the United States nearly \$100,000,000,000 at the gas pump; and

(4) will reduce the reliance of the United States on foreign oil by an estimated 2,500,000 barrels per day by 2030;

Whereas the 2019 report “Accelerating America’s Pledge” found that the States, cities, Tribal nations, businesses, and institutions of higher education of the United States that support the objectives of the Paris Agreement—

(1) represent more than 70 percent of the United States economy and more than 50 percent of the emissions of the United States;

(2) are already making significant contributions to emissions reductions; and

(3) have the potential to reduce emissions even further;

Whereas the We Are Still In coalition—

(1) has committed to uphold the Paris Agreement and the commitment of the United States to reduce emissions 26 to 28 percent below 2005 levels by 2025; and

(2) since the launch of the coalition in 2017, has tripled in size to nearly 4,000 cities, States, businesses, universities, healthcare organizations, faith groups, and cultural institutions in all 50 States as of 2019; and

Whereas the United States needs both a fully engaged Federal Government and cities, States, and businesses working together to reduce emissions and avoid the worst impacts of climate change: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States—

(1) should remain a party to the Paris Agreement;

(2) should support policies at the Federal, State, and local level that promote the reduction of global warming pollution and aim to meet the objectives of the Paris Agreement; and

(3) should support the efforts of businesses and investors to take action on climate change.

#### SENATE RESOLUTION 450—RECOGNIZING THE 71ST ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE CELEBRATION OF “HUMAN RIGHTS DAY”

Mr. COONS (for himself and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on the Judiciary:



S. RES. 450

Whereas the Universal Declaration of Human Rights, adopted by the United Nations on December 10, 1948, represents the first comprehensive agreement among countries as to the specific rights and freedoms of all human beings;

Whereas the Universal Declaration of Human Rights upholds the basic principles of liberty and freedom enshrined in the Constitution of the United States and the Bill of Rights;

Whereas awareness of human rights—

(1) is essential to the realization of fundamental freedoms;

(2) promotes equality;

(3) contributes to preventing conflict and human rights violations; and

(4) enhances participation in democratic processes;

Whereas Congress has a proud history of promoting human rights that are internationally recognized; and

Whereas December 10 of each year is celebrated around the world as “Human Rights Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 10, 2019, as “Human Rights Day”;

(2) recognizes the 71st anniversary of the Universal Declaration of Human Rights;

(3) reaffirms the Universal Declaration of Human Rights;

(4) supports the right of human rights defenders all over the world to promote the fundamental freedoms enshrined in the Universal Declaration of Human Rights; and

(5) encourages the people of the United States—

(A) to observe Human Rights Day; and

(B) to continue a commitment to upholding freedom, democracy, and human rights around the globe.

#### SENATE RESOLUTION 451—CONGRATULATING ASTRONAUTS DR. JESSICA U. MEIR AND CHRISTINA H. KOCH FOR THE HISTORIC ACCOMPLISHMENT OF COMPLETING THE FIRST ALL-FEMALE SPACEWALK

Ms. COLLINS (for herself, Ms. STABENOW, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. CANTWELL, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mrs. GILLIBRAND, Ms. WARREN, Mrs. FISCHER, Mrs. CAPITO, Ms. ERNST, Ms. DUCKWORTH, Ms. HASSAN, Ms. HARRIS, Ms. SMITH, Mrs. HYDE-SMITH, Mrs. BLACKBURN, Ms. SINEMA, Ms. MCSALLY, Ms. ROSEN, Ms. HIRONO, Ms. CORTEZ MASTO, Ms. BALDWIN, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 451

Whereas, on October 18, 2019, Dr. Jessica U. Meir and Christina H. Koch became the first astronauts to take part in an all-female spacewalk;

Whereas, although the first spacewalk took place in 1964, the first female spacewalk did not take place until 1984, when Kathryn Sullivan became the first woman of the United States to perform a spacewalk with male astronaut David Leestma;

Whereas the October 18, 2019 spacewalk was the first spacewalk for Dr. Meir and the fourth spacewalk for Ms. Koch;

Whereas, during the 7 hour and 7 minute mission, the 2 astronauts successfully replaced a faulty 232-pound battery unit that charges and discharges the solar power system of the International Space Station;

Whereas Dr. Meir and Ms. Koch continue to perform critical tasks in support of the mission of the National Aeronautics and Space Administration (referred to in this preamble as “NASA”) and are conducting numerous experiments to advance scientific knowledge and the understanding of the long-term effects of space on humans;

Whereas Ms. Koch is expected to break the record for the longest single spaceflight by a woman when she completes her mission to the International Space Station, spending 328 total consecutive days in space;

Whereas Dr. Meir is a native of Caribou, Maine, and her impressive academic credentials include a bachelor of arts in Biology from Brown University, a master of science in Space Studies from the International Space University, and a doctorate in Marine Biology from the Scripps Institution of Oceanography;

Whereas Ms. Koch is a native of Grand Rapids, Michigan, and her superior academic credentials include a bachelor of science in Electrical Engineering, a bachelor of science in Physics, and a master of science in Electrical Engineering from North Carolina State University;

Whereas NASA did not even admit women into its astronaut program until 1978;

Whereas Dr. Meir and Ms. Koch were both members of the 2013 Astronaut Candidate Class of NASA, which was comprised of 8 astronauts and was the first class to include equal numbers of men and women;

Whereas Dr. Meir and Ms. Koch are an inspiration to girls and boys across the United States and have spoken to hundreds of students from the International Space Station to answer their questions and to encourage them to pursue their dreams;

Whereas developing the next generation of women astronauts is a priority for the study and exploration of space: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates and expresses pride in Dr. Jessica U. Meir and Christina H. Koch for successfully completing the first all-female spacewalk in history; and

(2) supports the efforts of the National Aeronautics and Space Administration (referred to in this resolving clause as “NASA”) to—

(A) fully integrate women into the astronaut corps; and

(B) ensure that one of the next humans to walk on the Moon will be a woman.

#### SENATE RESOLUTION 452—COMMEMORATING AND SUPPORTING THE GOALS OF WORLD AIDS DAY

Mr. ISAKSON (for himself, Mr. COONS, Mr. RISCH, Mr. MENENDEZ, Mr. SULLIVAN, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 452

Whereas, as of the end of 2018, an estimated 37,900,000 people were living with human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), including 1,700,000 children;

Whereas the United Nations Sustainable Development Goals established a global target to end AIDS as a public health threat by 2030;

Whereas the Global Fund to Fight AIDS, Tuberculosis and Malaria was launched in 2002, and, as of 2018, has helped provide antiretroviral therapy to approximately 18,900,000 people living with HIV/AIDS and to 719,000 pregnant women to prevent the transmission of HIV/AIDS to their children, saving an estimated 32,000,000 lives;

Whereas the United States is the largest donor to the Global Fund to Fight AIDS, Tuberculosis and Malaria and, as of December 2019, every \$1 contributed by the United States has leveraged an additional \$2 from other donors;

Whereas the United States President's Emergency Plan for AIDS Relief (PEPFAR) program remains the largest commitment in history by any country to combat a single disease;

Whereas, as of 2018, PEPFAR has supported treatment for approximately 14,600,000 people, including by providing antiretroviral drugs to 2,400,000 pregnant women living with HIV to prevent the transmission of HIV from mother to child during birth;

Whereas, in fiscal year 2018, PEPFAR directly supported HIV testing and counseling for nearly 95,000,000 people;

Whereas considerable progress has been made in the fight against HIV/AIDS, including a 16-percent reduction in new HIV infections, a 41-percent reduction in new HIV infections among children, and a 33-percent reduction in the number of AIDS-related deaths between 2010 and 2018;

Whereas approximately 23,300,000 people had access to antiretroviral therapy in 2018, compared to only 7,700,000 people who had access to such therapy in 2010;

Whereas it is estimated that, without treatment, ½ of all infants living with HIV will die before their second birthday;

Whereas, despite the remarkable progress in combatting HIV/AIDS, significant challenges remain;

Whereas there were approximately 1,700,000 new HIV infections in 2018, structural barriers continue to make testing and treatment programs inaccessible to highly vulnerable populations, and an estimated 8,100,000 people living with HIV globally still do not know their HIV status;

Whereas the Centers for Disease Control and Prevention estimates that more than 37,000 people are diagnosed with HIV in the United States every year and 14 percent of the 1,100,000 people in the United States living with HIV are not aware of their HIV status;

Whereas, in the United States, more than 675,000 people with AIDS have died since the beginning of the HIV/AIDS epidemic, including 15,807 deaths among people with diagnosed HIV in 2017, with the disease disproportionately affecting minority communities;

Whereas December 1 of each year is internationally recognized as “World AIDS Day”; and

Whereas, in 2019, commemorations for World AIDS Day focused on the vital role that communities play in addressing the HIV/AIDS epidemic: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of World AIDS Day, including the goal to achieve zero new HIV infections, zero discrimination, and zero AIDS-related deaths;

(2) commends the efforts and achievements in combatting HIV/AIDS made by PEPFAR, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and the Joint United Nations Programme on HIV/AIDS;

(3) supports efforts to end the HIV epidemic in the United States by 2030;

(4) urges, in order to ensure that an AIDS-free generation is achievable, rapid action by all countries toward further expansion and scale-up of antiretroviral treatment programs, including efforts to reduce disparities and improve access for children to life-saving medications;

(5) encourages the scaling up of comprehensive prevention services, including biomedical and structural interventions, to

ensure inclusive access to programs and appropriate protections for all people at risk of contracting HIV/AIDS, especially hard-to-reach populations;

(6) calls for greater focus on the HIV-related vulnerabilities of women and girls, including women and girls at risk for or who have survived violence or faced discrimination as a result of the disease;

(7) supports continued leadership by the United States in domestic, bilateral, multilateral, and private sector efforts to fight HIV;

(8) encourages and supports greater degrees of ownership and shared responsibility by developing countries in order to ensure the sustainability of the domestic responses to HIV/AIDS by those countries; and

(9) urges other members of the international community to sustain and scale up their support for and financial contributions to efforts around the world to combat HIV/AIDS.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, December 10, 2019, at 10 a.m., to conduct a hearing on the following nominations: Mitchell A. Silk, of New York, to be an Assistant Secretary of the Treasury, Brian D. Montgomery, of Texas, to be Deputy Secretary, and David Carey Woll, Jr., of Connecticut, and John Bobbitt, of Texas, both to be an Assistant Secretary, all of the Department of Housing and Urban Development, and Peter J. Coniglio, of Virginia, to be Inspector General, Export-Import Bank; to be immediately followed by an oversight hearing to examine the Securities and Exchange Commission.

#### 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, December 10, 2019, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, December 10, 2019, at 10 a.m., to conduct a hearing.

#### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, November 21, 2019, at 2 p.m., to conduct a closed hearing.

#### SUBCOMMITTEE ON INTELLECTUAL PROPERTY

The Subcommittee on Intellectual Property of the Committee on the Ju-

diciary is authorized to meet during the session of the Senate on Tuesday, December 10, 2019, at 2.30 p.m., to conduct a hearing.

#### PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that an FDA detailee on my HELP Committee staff, Michael Varrone, be granted floor privileges through August 2020.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that two members of my team, Whitney Wagner and Brian Webster, be granted floor privileges for the remainder of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUPPORTING THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA, AND THE SIXTH REPLENISHMENT

On Monday, December 2, 2019, the Senate passed S. Res. 318, as follows:

#### S. RES. 318

Whereas the Global Fund to Fight AIDS, Tuberculosis, and Malaria has been an effective partnership of governments, the private sector, civil society, and affected communities to galvanize political and financial efforts to improve the response to these epidemics since 2002;

Whereas, in 2017, the Global Fund contributed to extraordinary improvements in global health that would otherwise not have occurred, including a more than 50 percent reduction in the number of AIDS-related deaths since the peak in 2005, a 37 percent decline in tuberculosis (TB) deaths since 2000, and a 60 percent decline in the number of malaria deaths since 2000;

Whereas, since the Global Fund's creation in 2002, more than 27,000,000 lives have been saved in the countries where it invests;

Whereas the Global Fund and its partners work to maintain a steadfast commitment to transparency and accountability and have received high marks in multilateral aid reviews and by independent watchdog groups;

Whereas a 2019 study published in the *Annals of Global Health* found evidence of associated improvements in government accountability, control of corruption, political freedoms, regulatory quality, and rule of law that are significant in countries where the Global Fund invests;

Whereas, despite progress in combating AIDS, tuberculosis, and malaria, challenges such as drug and insecticide resistance, reaching marginalized and vulnerable populations, and complacency in the fight against infectious diseases threaten further progress;

Whereas United States leadership has been critical to the success of the Global Fund, both as its largest donor and through its oversight role on the Board of the Global Fund;

Whereas Global Fund programs and activities support and complement United States bilateral health programs, including the President's Emergency Plan for AIDS Relief, the President's Malaria Initiative, and the United States Agency for International Development tuberculosis program;

Whereas the United States is limited by law from contributing more than 33 percent of the Global Fund budget, thereby encouraging other partners to significantly increase their contributions;

Whereas the Global Fund's requirements for co-financing have spurred domestic investments, with recipient countries committing 41 percent more of their own funding to fight AIDS, tuberculosis, and malaria for 2018–2020 compared to 2015–2017;

Whereas the Global Fund has called on donors to support its Sixth Replenishment by mobilizing a minimum of \$14,000,000,000 in donor commitments for 2021–2023;

Whereas Canada, the European Union, Germany, India, Ireland, Italy, Luxembourg, Japan, Portugal, Switzerland, and the United Kingdom have responded to the call by significantly increasing their respective pledges for the Sixth Replenishment;

Whereas recipient countries also are expected to increase their co-financing by 48 percent, growing to \$46,000,000,000 in 2021–2023; and

Whereas, with these resources secured, the Global Fund projects it will reduce the number of deaths due to AIDS, TB, and malaria by nearly 50 percent, avert 234,000,000 infections or disease cases, and save an additional 16,000,000 lives: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the work of the Global Fund and its partners for their contributions aimed at ending the epidemics of AIDS, tuberculosis, and malaria;

(2) affirms the support of the United States for the goal of securing a minimum of \$14,000,000,000 in donor commitments for the Sixth Global Fund Replenishment, to be held on October 10, 2019, in Lyon, France;

(3) supports United States contributions of 33 percent of the budget provided by the Global Fund's Sixth Replenishment, consistent with section 202(d) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)), and provided that the Fund continues to uphold its longstanding commitment to transparency, accountability, and results in combating AIDS, tuberculosis, and malaria;

(4) urges donor countries to step up the fight and increase their pledges for the Sixth Global Fund Replenishment;

(5) urges Global Fund recipient countries to continue to make and meet ambitious co-financing commitments to sustain progress in ending the epidemics of AIDS, tuberculosis, and malaria; and

(6) encourages United States bilateral aid programs to continue their collaboration with the Global Fund to maximize the life-saving impact of global health investments.

#### MEASURE READ THE FIRST TIME—S. 3009

Mr. McCONNELL. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 3009) to provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations.

Mr. McCONNELL. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

## VIRGINIA BEACH STRONG ACT

The PRESIDING OFFICER. Pursuant to the order from November 21, 2019, the Senate having received H.R. 4566 from the House, and the text being identical to S. 2592, the House bill is considered read a third time, and the question is on the passage of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4566) was passed.

## FOSTERING UNDERGRADUATE TALENT BY UNLOCKING RESOURCES FOR EDUCATION ACT

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5363.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5363) to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. McCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 5363) was passed.

Mr. McCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONGRATULATING ASTRONAUTS DR. JESSICA U. MEIR AND CHRISTINA H. KOCH FOR THE HISTORIC ACCOMPLISHMENT OF COMPLETING THE FIRST ALL-FEMALE SPACEWALK

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 451, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 451) congratulating astronauts Dr. Jessica U. Meir and Christina H. Koch for the historic accomplishment of completing the first all-female spacewalk.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. 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. 451) was agreed to.

The preamble was agreed to.  
(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

## ORDERS FOR WEDNESDAY, DECEMBER 11, 2019

Mr. McCONNELL. Now, Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, December 11; 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, morning business be closed, and the Senate proceed to executive session and resume consideration of the VanDyke nomination; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the VanDyke nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, December 11, 2019, at 9:30 a.m.

## DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

\*SEAN O'DONNELL, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

## CONFIRMATION

Executive nomination confirmed by the Senate December 10, 2019:

## THE JUDICIARY

PATRICK J. BUMATAY, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

## EXTENSIONS OF REMARKS

JUDY ALTENBERG

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and honor Judy Altenberg for receiving the 2019 Golda Meir Award from JEWISHColorado.

This award honors local Jewish women who have exemplified extraordinary leadership, community involvement and support of the Federation, as well as has an outstanding ability to inspire others. Judy exemplifies the qualities deserving of this recognition. She has been active in the community for several decades through her volunteerism and nonprofit work. She has tirelessly volunteered on several boards, including as past chair, lifetime board member and trustee of the Board of National Women's Philanthropy of the Jewish Federations of North America (JFNA). She is the past chair of the Jewish Women's Philanthropy Center of JEWISHColorado, where she has chaired several fundraising divisions, and alumna of the United Jewish Communities' National Young Leadership Cabinet. She is a 2010 graduate of the Wexner Heritage Program, an intensive two-year program of Jewish leadership and learning. Most recently, in 2019, Judy joined the Rose Community Foundation as Director of Gift Planning and Advisor Relations. She has been involved with the Foundation since 2007 as a trustee and member of the Education Committee and chair of the Jewish Life Committee.

In addition to her work within the Jewish community, Judy has been involved locally and at the state level and helped at her children's K-12 schools, including as past Chair of the Cherry Creek Schools Foundation.

Judy's dedication to her community is outstanding. I extend my deepest congratulations to Judy Altenberg for her contribution to our community and our state.

**CELEBRATING MOTHER CLIFFORD  
MASON'S 100TH BIRTHDAY**

**HON. RASHIDA TLAI**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Ms. TLAI. Madam Speaker, I rise today in honor of Mother Clifford Mason, a long-time resident of Detroit, Michigan, as she celebrates her one hundredth birthday on December 13, 2019.

Born in Macon, Georgia, Clifford Mason was raised as an only child by her grandparents. She was educated in Georgia public schools before marrying Millard Mason in 1944. They moved to Michigan in 1946 and established their home, where she eventually became a dedicated member on the Usher Board and Mothers' Board of Unity Baptist Church in Detroit.

Mother Mason was employed at a clothing factory and as a short order cook for a restaurant. She enjoyed cooking and baking—cabbage and pound cakes are her specialties. She has remained an active member of a local social club for over 50 years and continues to enjoy their yearly celebrations and birthday parties, dressing up, eating good food, and playing cards. Still active in the community, Mother Mason spends her time at Patton Recreation Center in Southwest Detroit, where she once worked and volunteered. She received accolades from former Detroit Mayor Coleman A. Young for her volunteerism. The matriarch of her family, Mother Mason treasures her time spent with family. She is the proud parent to her grown son Gregory Mason and loves her many grandchildren and great-grandchildren. Her compassion and kindness towards others have had a lasting impact on those around her. Her strong family values are reflected in the life she leads.

Please join me in celebrating the one hundredth birthday of Mother Clifford Mason.

**HONORING FATHER ALEXANDER  
KARLOUTSOS**

**HON. LEE M. ZELDIN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. ZELDIN. Madam Speaker, I rise today to recognize Father Alexander Karloutsos, the leader of Dormition of the Virgin Mary Greek Orthodox Church of the Hamptons in Southampton, New York.

Father Alex, as he's known to so many in our community, has served his church for over 40 years, guiding Long Islanders in a life centered in faith. However, his work goes beyond the members of his faith community, and his work has affected so many aspects of our community and our nation.

In fact, Father Alex has met with and advised every U.S. President since President Ronald Reagan on religious freedom and many other issues and is well-known and respected by many members of Congress and policy-makers on both sides of the aisle.

While his reputation precedes him on the national level, he has never turned his back on the community he loves. Just last year, he led his church in donating \$100,000 to the Southampton Town Police Department to help fight the heroin and opioid abuse epidemic that has taken its toll on our community.

For his extraordinary service to our community and nation, he was recently appointed as the Vicar General of the Holy Archdiocese of America at the discretion of the Archbishop himself. I congratulate Father Alex on his well-deserved appointment and look forward to continuing to work together to better the community we love.

**RECOGNIZING THE RETIREMENT  
OF COVESTRO LLC'S CHAIRMAN  
AND CHIEF EXECUTIVE OFFICER,  
JERRY MACCLEARY**

**HON. GUY RESCHENTHALER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. RESCHENTHALER. Madam Speaker, it is a great honor to congratulate my constituent, Jerry MacCleary, upon his retirement after a distinguished forty-year career with Covestro LLC. Mr. MacCleary truly embodies the values that make southwestern Pennsylvania a great place to live and work, and I am proud to represent him in Congress.

In 1979, Mr. MacCleary began his career as an accountant with the company. Mr. MacCleary's talent and work ethic were immediately recognized, and he quickly rose through the ranks, taking on positions in sales, marketing, general management, and strategic leadership. In 2004, Mr. MacCleary was named head of the company's North American polyurethanes business. He retained this significant responsibility even after becoming president in 2012. In 2015, Mr. MacCleary led the North American material science organization through its separation from Bayer and establishment as an independent company, called Covestro. In 2018, he was named Chairman and CEO.

Mr. MacCleary's dedication to the chemical industry does not stop with his work at Covestro. He serves on the Board of Directors for the National Association of Manufacturers, on the Executive Committee for the Society of Chemical Manufacturers, and as Chairman of the American Chemistry Council's Board of Directors.

Mr. MacCleary is well known in the industry for his commitment to advancing sustainability efforts. He serves as Chair for the Board Sustainability Committee under the American Chemistry Council, as well as the Sustainability Committee for the Allegheny Conference on Community Development. He also co-chairs "CEOs for Sustainability"—a local program sharing sustainable business practices with companies of all sizes.

Born and raised in Pittsburgh, Mr. MacCleary is actively engaged in the southwestern Pennsylvania community. He serves on the Board of Directors for the Allegheny Conference on Community Development, the United Way of Southwestern Pennsylvania, and the Imani Christian Academy. He is also a member of the Board of Trustees for the Children's Hospital of Pittsburgh and co-chairs The Advanced Leadership Initiative, which aims to promote corporate diversity and build a continuous pipeline of African American leaders in Pittsburgh.

Madam Speaker, throughout his career, Jerry MacCleary has demonstrated a remarkable commitment to Covestro, the chemical industry, sustainability efforts, and the southwestern Pennsylvania community as a whole.

• 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.

Please join me in congratulating him on his well-earned retirement after a distinguished career. I know that he will remain active in the next chapter of his life and continue to serve as an exemplary citizen for our community and the entire region.

REMEMBERING THE LIFE OF DOLORES PREKSTA SHOROKEY-BRUNETTI

**HON. TIM RYAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. RYAN. Madam Speaker, I rise today to honor the life of Dolores Preksta Shorokey-Brunetti, 84, who passed away peacefully on Saturday, November 30, 2019, at her home with her family by her side.

Dolores, who was known to all as “Dee,” was born August 28, 1935, in Cadogan, PA, a daughter of the late John and Sadie Wolsonovich Preksta, and came to the Mahoning Valley with her family as a child.

Dee was a registered nurse for more than 40 years. She graduated from The Rayen School, where she was a majorette, and earned a degree in Nursing from the Youngstown Hospital Association School of Nursing. Early in her career, she worked at the Stuttgart Army Hospital in Germany, and she later worked at Northside Hospital in Youngstown for many years, where she was instrumental in the formation of the Nurses Union. Dee retired from nursing in 2000.

She was a member of St. Anne Ukrainian Catholic Church in Austintown, where she proudly volunteered. Dolores enjoyed cooking, golfing, gardening, and attending garage sales. She was also known to enjoy casinos and vacationing with her family to Nags Head, North Carolina, which she did as recently as August of 2019. Dee loved her family and lived her life for her children. Compassionate and caring, she also used her skills to serve as a caregiver to elderly friends.

Dee is survived by four children, Debbie Aloia (Christina Lyons), with whom she shared her home for the past year, Joe (Jane) Shorokey of Boardman, Christine Shorokey of New Jersey, and Laurie (Brett) Stare of Austintown; six grandchildren, Matt Price (Liz Montelongo), Nikki (Daniel) Maloney, Holly Kowal (Jason Poe), Sara Shorokey, Mimi Shorokey, and Josie Shorokey, a great-granddaughter, Aria; a sister, Patricia Gergel of Youngstown; two brothers, John Preksta of Detroit and Ronald Preksta of Chicago; several nieces and nephews; and her canine companion, Donya. Her second husband, Joseph “Peno” Brunetti, passed away February 3, 2014.

My staff and I have been blessed to work closely on addiction and behavioral issues with Dee’s son, Joe, who is the CEO of Alta Behavioral Health in Youngstown. I have no doubt that Joe got his passion for care from his mother. My deepest condolences to all whose lives were touched by Dee.

IN RECOGNITION OF NANCY FATEMI FOR HER EXEMPLARY CAREER IN SERVICE OF NEW JERSEY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. PALLONE. Madam Speaker, I rise today to recognize Nancy Blades Fatemi, someone who has been a tireless public servant for the great state of New Jersey throughout her entire career. Nancy has announced her retirement at the end of this year from her current role as Executive Director to the New Jersey State Society (NJSS).

For the last decade, Nancy has served as executive director of the New Jersey State Society of Washington, D.C. State and Territory societies are civic and social organizations that are unique to the national capital region. With roots that trace back to 1854, state societies have evolved as non-partisan booster clubs that celebrate the history, culture, traditions, humor, politics and commerce of America’s 50 states. The societies provide those who live in the greater-Washington area with a special non-partisan venue that enables them to share in a wide variety of events celebrating their home states. Since 1941, New Jersey State Society has been serving as the link between Washington, D.C. and New Jersey. Under Nancy’s leadership, NJSS won the top national Haines Award for “Outstanding State Society,” in 2014–2015, as well as several state society softball championships.

Prior to serving NJSS, she worked on Capitol Hill in the personal offices of Rep. James J. Howard, D–NJ, as legislative director and press secretary, and later in my office as special assistant and health care legislative assistant. Nancy began her career as a reporter at The Home News, New Brunswick, NJ, and reporter and wire editor of the Bennington Banner, Bennington, VT. She grew up in Avon-by-the-Sea, NJ and is a graduate of Rutgers University’s Douglass College, New Brunswick, NJ, and Columbia Graduate School of Journalism, New York, NY.

Taking the steps to successfully continue a long tradition of creating opportunities for New Jerseyans living in Washington, D.C. to connect and celebrate the Garden State is no small task, and Nancy has more than risen to the challenge. Madam Speaker, I hope all my colleagues will join me in thanking Nancy Blades Fatemi for her tireless advocacy on behalf of the great state of New Jersey.

IN RECOGNITION OF WILLIAM “BILL” RYAN

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. KEATING. Madam Speaker, I rise today in recognition of the life of the William “Bill” Ryan, a veteran and public servant of thirty-six years.

Born in Brighton, Massachusetts in 1938, Bill graduated from Brighton High School and Quincy College. After graduating, Bill began his long career with the United States Postal

Service in 1956. During this time, he served as both letter carrier and as an Army National Guard Reservist working as a heavy equipment operator. Continuing his career with the U.S. Postal Service, he would eventually be named U.S. Post Master in 1981. Bill served multiple communities in his role as Post Master including; Bedford, Waltham and Abington, where he would retire in 1992.

Bill was a dedicated family man and a devout follower of the Catholic faith. After his retirement, Bill most enjoyed spending time with his family and rooting for his beloved Boston Red Sox.

Surrounded by family, Bill passed away on November 30, 2019, at the age of eighty-one. His dedication to serving both his country and his community will long be remembered by his growing family and all those who had the great privilege of knowing Bill. In addition to his wife Mary Sue, Bill is survived by his six children Billy, John, Patrick, James, Mary Sue, and Peggy, his twelve grandchildren, and two great grandchildren.

Madam Speaker, I am proud to honor the life of the William “Bill” Ryan. I ask that my colleagues join me in recognizing his commitment to his local community and the people of Massachusetts.

HONORING CHIEF DENNIS COMPTON

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. HOYER. Madam Speaker, I rise today to honor Chief Dennis Compton, who earlier this year stepped down as Chair of the National Fallen Firefighters Foundation Board of Directors after more than eleven years.

Since 1992, I have had the distinct honor of serving as a Co-Chair of the Congressional Fire Services Caucus. I have established friendships with many members of our nation’s fire and emergency services throughout those years. I got to know Chief Compton well, attending the memorial service for fallen firefighters in Emmitsburg and the annual Congressional Fire Services Dinner together with him every year.

I know it was a difficult decision on his part to step down as the Chairman of the National Fallen Firefighters Board of Directors. Chief Compton has always cared deeply about the mission of the National Fallen Firefighters Foundation to honor our fallen heroes, provide support to their loved ones, and reduce the number of firefighter injuries and deaths. Even though he will no longer serve as Chairman, I know he will remain steadfast in his commitment to firefighter health and safety.

In his many different professional capacities, Chief Compton has shared his thoughts and knowledge with thousands of firefighters about the attributes of leadership, character, and integrity. These attributes define who he is as a friend and leader and have earned him many well-deserved distinctions and honors from his peers. Indeed, his legacy will be felt for many years to come in the countless men and women of the fire and emergency services who will carry out their work aimed with the lessons he imparted and will surely continue to impart in the years ahead.

I would also like to honor him for his dedication and commitment to our nation's firefighters, for his unwavering support for the family members of our fallen heroes, and for his many contributions to the bipartisan work of the Congressional Fire Services Caucus. Serving as a Co-Chair of the Congressional Fire Services Caucus, I have seen Chief Compton's tireless efforts up close.

Prior to his role as Chairman of the National Fallen Firefighters Board of Directors, Chief Compton served in the Phoenix Fire Department for twenty-eight years. He also served as Fire Chief in Mesa, Arizona, for six years. Chief Compton also served as Past Chairman of the Congressional Fire Services Institute (CFSI) National Advisory Council and Co-Chairman of the Fire Service-Based EMS Advocates Steering Committee.

Our nation's fire service owes Chief Compton a debt of gratitude. On behalf of my fellow Co-Chairs of the Congressional Fire Services Caucus, I extend my thanks and appreciation to Chief Dennis Compton for his outstanding leadership as Chairman of the National Fallen Firefighters Foundation.

IN RECOGNITION OF JENNIFER SCHLECHT

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise to pay tribute to Jennifer Schlecht, a beloved and internationally recognized public health expert. She worked tirelessly to ensure that women and girls—especially those living in crisis situations—had access to medical care, including comprehensive sexual and reproductive health care. Ms. Schlecht was an incredible mother and friend in addition to being a true leader in the reproductive health space.

Ms. Schlecht was committed to bringing about a world where all women and girls could exercise control over their bodies. She worked in Africa before returning home to New York in 2001, where she earned a master's degree from Columbia University's Mailman School of Public Health. After graduating in 2004, she began working at Harlem Hospital. Later, Ms. Schlecht joined the Women's Refugee Commission; where she gained a reputation as both a women's health expert and as someone who was razor sharp, fun, and unfailingly kind. Mrs. Schlecht joined the UN Foundation (UNF) Family Planning 2020 team as Senior Advisor for Emergency Preparedness and Response and quickly became a go-to expert on addressing the needs of women and girls in crisis. Her leadership in the field was recognized by her colleagues at UNF and professionals from partner organizations around the world.

Beyond her expertise, she was a treasured colleague, bringing her warmth and generosity to work every day. Amidst all her commitments, she somehow found time to also become a certified counselor, get married, buy a home in Harlem, and have a daughter, Abaynesh. Her energy and her clear-eyed drive to improve the world around her were boundless.

The same warmth that engendered her commitment to women and girls globally was

evident in her dedication to protecting and nurturing her much loved daughter. She worked from New York to spend more time with Abaynesh. This September, to Ms. Schlecht's immense pride, her daughter began kindergarten at Hunter College Elementary School. Abaynesh was the center of her life.

On November 6th, Ms. Schlecht and Abaynesh were killed by their husband and father in a tragic act of domestic violence. There are no words to express the profound devastation faced by those who loved them; there is no meaning to be found in this tragedy. One out of every three women will experience violence in their lifetime, most likely at the hands of someone they know. Ms. Schlecht's courage to leave an abusive situation should never be forgotten. The best way to honor her memory is to keep fighting to realize Ms. Schlecht's dream of ensuring safety, dignity, and choices for all women and girls. Ms. Schlecht, her light, the way she cared for her daughter, and all of the things that made her a beautiful human being will be deeply missed. We cannot rest until the violence stops.

Madam Speaker, I ask my colleagues to join me in honoring the life of Jennifer Schlecht, remembering her deep dedication to the rights of women and girls around the world, and mourning the unjust and tragic loss of her and her daughter.

PERSONAL EXPLANATION

**HON. JOHN H. RUTHERFORD**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. RUTHERFORD. Madam Speaker, I was unavailable due to delays in travel and missed Roll Call Vote 655 and 656.

Had I been present, I would have voted Aye on Roll Call No. 655 and 656.

PERSONAL EXPLANATION

**HON. SUSAN W. BROOKS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mrs. BROOKS of Indiana. Madam Speaker, I was not present for the following Roll Call votes. Had I been present for them, I would have voted as follows:

Roll Call No. 655 on H.R. 4761—DHS Opioid Detection Resilience Act of 2019—YEA, and Roll Call No. 656 on H.R. 4739—Synthetic Opioid Exposure Prevention and Training Act—YEA.

PERSONAL EXPLANATION

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. LUETKEMEYER. Madam Speaker, I was unable to be present for votes on Monday, December 9, 2019 due to an important meeting with constituents in my District.

Had I been present, I would have voted YEA on Roll Call No. 655, and YEA on Roll Call No. 656.

RECOGNIZING BRIAN LYONS ON HIS 11TH BIRTHDAY AND FOR HIS CONTRIBUTIONS TO OUR COMMUNITY

**HON. DANIEL MEUSER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. MEUSER. Madam Speaker, it is with great respect that I rise today to recognize Brian Lyons for his incredible dedication and the many contributions he has made and continues to make to local first responders.

Upon discovering that his local fire company, Elm Hill Hose Company No. 3 in Plymouth, did not have a Jaws of Life, Brian jumped into action and began selling lemonade to raise the necessary funds needed to purchase the life saving equipment. After selling over 7,500 cups of lemonade and receiving a \$2,000 donation, Brian purchased the Jaws of Life and was on hand to donate the equipment to his local fire company in August.

Brian's dedication to supporting our community's first responders, especially his local fire company, is a tremendous example to us all. On behalf of the U.S. House of Representatives and the citizens of Pennsylvania's Ninth Congressional District, I ask my colleagues to join me in thanking Brian Lyons for his dedication to our first responders.

IN HONOR OF ROBERT M. RECHNITZ

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. PALLONE. Madam Speaker, I rise today to commemorate the life of Mr. Robert M. Rechnitz. Mr. Rechnitz, a longtime resident of the Locust section of Middletown, New Jersey, passed away on October 12, 2019 after a vibrant life filled with numerous professional and personal accomplishments.

Robert (Bob) Rechnitz was a prominent member of the community and a fixture of the thriving arts and humanities landscape in Monmouth County. As co-founder and executive producer of Two River Theater, Bob was committed to providing an outlet for creative expression and a preeminent institution for the public to enjoy. In addition to his extensive background and work in theater, Bob was an esteemed educator, stalwart preservationist and dedicated philanthropist. He lived his life in service to his community and his achievements and generosity have been recognized by many awards and tributes over the years.

His love of nature and the theater and his commitment to social and humanitarian causes left an indelible impact on the community. From his support of the Monmouth Conservation Foundation and Monmouth University to his contributions to Monmouth Medical Center and Riverview Medical Center, to name just a few, his philanthropic endeavors will benefit generations to come.

Bob leaves behind a loving family, including his devoted wife and partner Joan, their children Emily, Adam and Joshua, son-in-law John Paladino, daughter-in-law Elizabeth Fordi, grandchildren Max and Flora Paladino



and Esme Rechnitz, as well as many dear friends and colleagues.

Madam Speaker, I sincerely hope that my colleagues will join me in honoring Robert M. Rechnitz for his devotion to his family and his immeasurable contributions to the greater Monmouth County community.

# RECOGNIZING CLEARLY LOVED PETS AND BOCA KITCHENS & BATHS

## HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. DEUTCH. Madam Speaker, I rise today to recognize Wayne and Julie Huthmaker of Clearly Loved Pets and Gloria Duran and Shuky Conroyd of Boca Kitchens & Baths. These two small businesses have been selected as this year's SCORE of South Palm Beach Small Businesses of the Year.

SCORE is a nationwide nonprofit organization dedicated to helping small business get started, grow, and achieve their goals. They provide free mentoring and tools and offer workshops on vital business issues. The South Palm Beach Chapter has twice been voted the No. 1 Chapter in America.

Clearly Loved Pets has created a patent-pending clear enclosure for pets designed to decrease stress and improve aesthetics in your home. Boca Kitchens & Baths is a full interior design-build team that offers numerous professional services and designs. These two businesses represent the myriad of high-quality products and services provided by small businesses in our community.

Please join me in congratulating Clearly Loved Pets and Boca Kitchens & Baths on their success and well-deserved recognitions.

# REMEMBERING THE LIFE OF ALAN BARRY WOLF

## HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. RYAN. Madam Speaker, I rise today to honor the life of Alan "Big Al" Wolf, originally of Malden, Massachusetts, who passed away on October 26, 2019 at the age of 86.

Big Al's family would describe him as a simple man—not in a small way, but in a grand way. He was soft spoken, but you always heard him clearly. He said few words, but he always got his point across.

Alan grew up in the Boston suburb of Malden, son to Joseph and Florence, and brother to his sister Barbara. The family had a house right on the beach near an amusement park and boardwalk. It was here where his family shared so many weekends, events, and summer barbecues. Alan worked in the family business at Wolf Syrup Corp. His family always took so much pride knowing their Dad's syrup was in the soda fountains at the local lunch counters and pharmacies they went to around Boston.

Big Al was never a materialistic guy and only cared about a few things. He always had to drive a nice car—never flashy, but classy.

His kids say he would brag about the Cadillac convertible that he drove around when he first started dating his wife, Dolly. He was similarly forever sharply dressed and always had to wear a nice tie, shoes buffed, and pocket square peeking out.

The love Al had for his wife, Dolly, was indescribable. Dolly was his soulmate and their 66 years together was as Dolly would say, "an experience of love and life." From the day they met when she was 15 years old, there was no one else for him. It is truly amazing how much he loved her. In his eyes she was the most beautiful woman in the world and he never stopped thinking that until the day he died.

Coaching was a big thing for Al. He loved teaching the fundamentals of baseball and football and instilling a winning attitude. One thing that separated Al as a coach and person was that he would always look after the more disadvantaged kids. He felt that he could make a difference.

Big Al loved his children and grandchildren. Alan, or Pappy as he was fondly called, was also known to give a few dollars each time he saw his grandchildren. His grandkids always knew that they had a friend and fan in Pappy Alan—and that he was always ready to offer a knuckle sandwich.

Alan had many loves and many opinions, but above all, he loved his family. I am very blessed to be a great friend of his son, Robert. My deep condolences go out to Alan's family and to everyone whose lives he touched. We'll miss Alan.

# MR. EDDIE ROBINSON BIRTHDAY RECOGNITION

## HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Ms. GRANGER. Madam Speaker, I rise today to recognize Mr. Eddie Robinson who is celebrating his 99th birthday on December 15, 2019.

Eddie was born William Edward Robinson in Paris, Texas in 1920. He is best known for his 13-year Major League Baseball playing career from 1942 to 1957. During that time, he also served three years in the U.S. Navy, and married the love of his life, Bette, in 1955.

Eddie has what is described as charisma. It starts with an infectious smile that is always there for every story he tells and those he hears. He can remember the smallest detail that makes everyone lean forward in their chairs to make sure they hear every word. Eddie is constantly telling stories from his Major League Baseball days that thrill the hearts and minds of his listeners. He is such a gifted story teller it is as if we are all reliving the times of his "Boys of Summer" baseball days.

His more humorous side sometimes comes out with stories that he would never tell in public but shares with his close breakfast group known as "The Eastside Mafia". Eddie particularly loves telling stories of his days playing golf at Woodhaven Country Club in Fort Worth. It has been said that he was always so complimentary of a fellow's drive by saying, "Man what a beautiful drive!", only to follow up with his famous baseball trajectory of

a line drive which would put his well past the shot of his competitors.

Eddie is also a person that shares his good fortunes in life. Besides taking his friends to the Texas Rangers games, he was also instrumental in several projects around Fort Worth. He established the Woodhaven Neighborhood Golf Association's annual golf tournament, proving scholarships for local high school students in Fort Worth. He also helped his wife Bette raise funds to construct a clock tower and research library—East Regional Library of Fort Worth—which I had the pleasure of supporting during my time as Mayor of Fort Worth.

On behalf of Texas' 12th Congressional District, I offer my congratulations and best wishes on this special occasion.

# RECOGNIZING LIEUTENANT COM- MANDER CHRISTOPHER RAGSDALE

## HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. WITTMAN. Madam Speaker, I rise today to recognize those men and women who continue to serve this great Nation with honor—men such as Lieutenant Commander (LCDR) Christopher Ragsdale, United States Navy.

For the past year, LCDR Ragsdale served on my staff as a Congressional Defense Fellow. A 2007 graduate of the United States Naval Academy, LCDR Flynn is a proud Surface Warfare Officer who served in MCM Crew BULWARK and onboard USS *Comstock* (LSD-45) and USS *Benfold* (DDG-65). During his assignment in my office, LCDR Ragsdale provided senior-level input for defense, veterans, foreign affairs and intelligence matters. Additionally, he executed his work as a liaison to the constituents of Virginia's First Congressional District with distinction.

Furthermore, LCDR Ragsdale provided exceptional support to me as a staff liaison to the House Armed Services Committee in my role as the Seapower and Projection Forces Subcommittee Ranking Member. LCDR Ragsdale dutifully provided me with guidance on what the Navy's path forward should be in critical areas such as training, readiness, and manning. His recent experience in the surface community was invaluable to my work in Congress.

As the Co-Chair of the Congressional Shipbuilding Caucus and the Co-Chair of the Navy-Marine Corps Caucus, I relied on LCDR Ragsdale to organize quarterly events with government, military, and private sector leaders. These events allowed key decisionmakers to work together for the advancement of our future Naval Officers as well as the construction and repair of the ships on which they will serve.

LCDR Ragsdale also directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion, and he leveraged his personal and operational experience in the Navy to respond to the most challenging inquiries. In addition to his efforts locally, LCDR Ragsdale took on projects with

regional, state, and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions.

LCDR Ragsdale's work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers. I would also like to thank LCDR Ragsdale for the service and sacrifice he has made, and continues to make, both for our Nation and our great Navy. His impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the First District of Virginia. I have no doubt that LCDR Ragsdale will continue to serve the Navy honorably and with distinction.

I wish Chris and his wife Andrea the best of luck as they continue their journey together as a Navy family. It was an honor and a pleasure having Chris serve on my staff. We all can sleep soundly at night knowing that members of our all-volunteer force like Chris stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

I thank LCDR Christopher Ragsdale for doing a fantastic job. Best of luck to him and may God bless him, his family, and all the Sailors he is charged with leading.

#### RECOGNIZING BEVERLY "BEV" MASON, USDA—RURAL DEVELOPMENT

**HON. ANN M. KUSTER**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Ms. KUSTER of New Hampshire. Madam Speaker, I rise today in recognition of Beverly "Bev" Mason's nearly four decades of service with the United States Department of Agriculture's Rural Development Program (USDA-RD). Bev will be retiring this month after 38 years of serving our Granite State communities.

Bev began her career as a technician with the Farmers Home Administration (FHMA), now known as USDA—Rural Development. Later, she held the positions of County Supervisor, Administrative Program Director, and retires as the New Hampshire Area Director.

As Area Director, Bev has been responsible for the Home Ownership Program and single-family housing through USDA-RD. She has worked with thousands of families, assisting with developing and understanding an individual's financial profile and developing budget plans to enable hard-working Granite Staters to realize the dream of home ownership.

In addition, Bev has worked directly with many of our state's communities and nonprofits to address the needs of rural New Hampshire. She has assisted with Water and Environmental Program Loans as well as Community Facility Loans and Grants to advance infrastructure and economic development profiles.

On behalf of my constituents across New Hampshire's Second Congressional District, I commend Beverly Mason for her dedication to our Granite State's rural communities. We owe her a debt of gratitude and express our heartfelt thanks for her years of service. She should

look back proudly on her achievements and I wish her all the best in the years to come.

#### SUSTAINABLE CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2019

SPEECH OF

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 9, 2019*

Ms. JOHNSON of Texas. Mr. Speaker, I include in the RECORD an exchange of correspondence between myself and Chairman JOHN YARMUTH acknowledging the Committee on the Budget's jurisdiction over provisions in H.R. 2051, the Sustainable Chemistry Research and Development Act of 2019.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

*Washington, DC, November 25, 2019.*

Chairman JOHN YARMUTH,  
*Committee on the Budget,*  
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN YARMUTH: I am writing to you concerning H.R. 2051, the "Sustainable Chemistry Research and Development Act of 2019," which was referred to the Committee on Science, Space, and Technology on April 3, 2019.

I appreciate your willingness to work cooperatively on this bill. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Budget. I acknowledge that your Committee will waive further consideration of H.R. 2051 and that this action is not a waiver of future jurisdictional claims by the Committee on the Budget over this subject matter.

I will make sure to include our exchange of letters in the Congressional Record and legislative reports. Thank you for your cooperation on this legislation.

Sincerely,

EDDIE BERNICE JOHNSON,  
*Chairwoman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
*Washington, DC, November 26, 2019.*

Chairwoman EDDIE BERNICE JOHNSON,  
*Committee on Science, Space, and Technology,*  
*House of Representatives, Washington, DC.*

DEAR CHAIRWOMAN JOHNSON: I write to confirm our mutual understanding regarding H.R. 2051, the Sustainable Chemistry Research and Development Act of 2019. H.R. 2051 contains provisions that fall within the rule X jurisdiction of the Committee on the Budget. However, the Committee agrees to waive formal consideration of the bill.

The Committee on the Budget takes this action with the mutual understanding that, in doing so, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment to any House-Senate conference convened on this legislation or similar legislation and requests your support if such a request is made.

Thank you for agreeing to include our exchange of letters in the Congressional Record. I appreciate your cooperation regarding this legislation and look forward to

continuing to work with you as this measure moves through the legislative process.

Sincerely,

JOHN YARMUTH,  
*Chairman.*

#### JUMP, LITTLE CHILDREN

**HON. JOE CUNNINGHAM**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. CUNNINGHAM. Madam Speaker, I rise today to honor one of the greatest musical acts to ever come out of Charleston, South Carolina, Jump, Little Children.

Since their early days busking on the corner of Church and Market Streets twenty-five years ago, Jump has earned a substantial and loyal fan base that has followed them throughout the country, supporting their nine records and EPs, and literally thousands of energetic concerts that keep us showing up whenever they Come Around.

No matter where you hear a Jump song, you can Close Your Eyes and picture yourself back in the old Charleston Cathedrals of the raucous Music Farm after Midnight or the Quiet Dock Street Theater during the Holidays. Those were special days for so many of us in Charleston.

After The Dim and the Dark of a nearly ten year hiatus, Jump returned to the stage to remind us all how much we love their music, their personalities, and their shows. And how grateful we are they did.

And before we all Say Goodnight to this band, whenever that may be, the United States Congress wishes many more years of Jump, Little Children, along with the music and memories they create. From Charleston, South Carolina, to Washington, D.C., to the Rains in Asia, and the Green Fields of Canada, all the way to Mexico, Jump, Little Children has left an indelible mark on this world, one that will never be forgotten.

Because of them their music will forever be a part of the soundtrack for the city we all love.

Congratulations on 25 years. Here's to 25 more.

#### INTRODUCTION OF THE NEW WAY FORWARD ACT

**HON. JESÚS G. "CHUY" GARCÍA**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. GARCIA of Illinois. Madam Speaker, I rise today to support the New Way Forward Act.

For too long, unjust, anti-immigrant laws including racialized laws dating back to the 1920s criminalizing migration and the 1996 laws that entangle our civil immigration system with our broken criminal legal system have led to overly harsh punishments and the mass criminalization of immigrants.

These laws have resulted in mass incarceration and deportations, separation of families, stripping people of due process and exacerbating racial animus in both our immigration and criminal legal systems.

We must end the labels of the 'good' versus 'bad' immigrant used to dehumanize and divide communities.

At this moment in history, we are called to uphold our values of compassion, common humanity, and racial justice.

I am proud to introduce the New Way Forward Act to disrupt the prison to deportation pipeline, give all immigrants the dignity of due process, and ensure America remains a nation that welcomes all.

The bill corrects racial and anti-immigrant injustices embedded in our immigration laws, many of which have enabled the Trump Administration's inhumane assault on non-citizens in the United States and at our southern border.

Our communities deserve dignity, restoration and repair, not further criminalization.

It's time for a new vision for the future and for our immigration system. It's time for a New Way Forward.

I urge this body to support and pass this bill.

#### PERSONAL EXPLANATION

### HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mrs. HARTZLER. Madam Speaker, on Monday, December 9, 2019, I was unable to vote. Had I been present, I would have voted as follows: on roll call no. 655: YEA, and on roll call no. 656: YEA.

#### PERSONAL EXPLANATION

### HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. PALAZZO. Madam Speaker, due to a rescheduled flight I was unable to attend votes.

Had I been present, I would have voted YEA on Roll Call No. 655, and YEA on Roll Call No. 656.

#### PERSONAL EXPLANATION

### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. KEATING. Madam Speaker, due to flight delays, I was unable to participate during Monday vote series, which included two critical pieces of legislation addressing opioid prevention, detection, and resilience. With my extensive background addressing the opioid epidemic and as a member of the House Congressional Caucus on Prescription Drug Abuse, I believe H.R. 4761 and H.R. 4739 contain crucial mechanisms to further support the U.S. Customs and Border Protection's effort in analyzing synthetic opioids in a safe, effective, and efficient manner.

Had I been present, I would have voted YEA on Roll Call No. 656, and YEA on Roll Call No. 655.

#### PERSONAL EXPLANATION

### HON. ERIC A. "RICK" CRAWFORD

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. CRAWFORD. Madam Speaker, I was absent on December 9, 2019, due to a family matter. Had I been present, I would have voted YES on Roll Call H.R. 655, H.R. 4761—the DHS Opioid Detection Resilience Act, and YES on Roll Call No. 656, H.R. 4739—the Synthetic Opioid Exposure Prevention and Training Act.

#### COMMEMORATING THE 150TH ANNIVERSARY OF WOMEN'S SUFFRAGE IN WYOMING

### HON. LIZ CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Ms. CHENEY. Madam Speaker, I rise today to commemorate and celebrate the 150th anniversary of women securing the right to vote in Wyoming.

Today marks the 150th anniversary of Wyoming becoming the first in the nation to grant women the right to vote and hold elected office. Nicknamed the Equality State, Wyoming prides itself on being the first state to elect a female governor. Wyoming was the first state to appoint a woman to public office when Esther Hobart Morris—whose statue can be found here in the Capitol's Statuary Hall Collection—was appointed Justice of the Peace in Sweetwater County. Wyoming was invited to join the Union on the condition that women's suffrage was revoked, but in true Wyoming fashion our legislature refused, waiting until 1890 to become the 44th state. I am incredibly proud to call Wyoming home, and continue the tradition of women holding elected office in our state.

Again, Madam Speaker, I want to celebrate the 150th anniversary of Women's Suffrage in Wyoming, and honor those Wyoming women who paved the way for women across the nation.

#### INTRODUCTION OF SENIOR GUARDIANSHIP SOCIAL SECURITY PROTECTION ACT

### HON. CHARLIE CRIST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. CRIST. Madam Speaker, state courts usually appoint a guardian for an individual that a judge has determined lacks the capacity to make important decisions regarding their life or property. When state courts appoint guardians, older adults often forfeit some or all of their decision-making powers, including the right to sign contracts, vote, marry or divorce, buy or sell real estate, decide where to live, or make basic decisions about their healthcare.

In recent years, state-based guardianship programs, such as the one in Florida, have been exposed as lacking the necessary controls to prevent seniors from being exploited

and defrauded by bad actors preying on these seniors. News reports have detailed shocking cases of people being fleeced in my district, and across the country.

I am committed to putting a stop to this abuse. One step we can take at the federal level today to help correct an aspect of this problem is addressed through this legislation. Under current law, when a guardian has a ward removed from their care by a court for cause, that information is not necessarily transmitted to the Social Security Administration. In some cases, guardians removed for cause may still be allowed to represent the ward's interests with the Social Security Administration, and therefore be receiving and administering their federal benefits in perpetuity.

Today, I, along with my distinguished colleagues, the gentlemen from Florida (Mr. SOTO and Mr. BILIRAKIS), are introducing the "Senior Guardianship Social Security Protection Act." Under this bipartisan bill, state courts would be required to notify the Social Security Administration (SSA) when a guardian has their adult ward removed for cause. SSA would then remove the former guardian as the ward's representative payee, closing a point of vulnerability for the ward. By directing open lines of communication between state courts and SSA, we can help better protect our seniors from predatory actors.

#### PERSONAL EXPLANATION

### HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. SOTO. Madam Speaker, due to unforeseen travel delays, I unfortunately missed the votes for December 9, 2019.

Had I been present, I would have voted "yea" on Roll Call No. 655 and "yea" on Roll Call No. 656.

#### TAX COMPLEXITY ANALYSIS ON H.R. 3

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 10, 2019*

Mr. NEAL. Madam Speaker, I would like to include in the RECORD the following Tax Complexity Analysis statement on the report to H.R. 3 filed by the House Committee on Ways and Means:

Section 4022(b) of Pub. L. No. 105-266, the Internal Revenue Service Restructuring and Reform Act of 1998 (the "RRA"), requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Treasury Department) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code of 1986 and has widespread applicability to individuals or small businesses.

Pursuant to clause 3(h)(1) of rule XIII of the Rules of the House of Representatives, the staff of the Joint Committee on Taxation

has determined that a complexity analysis is not required under section 4022(b) of the RRA because the bill contains no provision that amends the Internal Revenue Code of 1986 and has “widespread applicability” to individuals or small businesses within the meaning of the rule.

# Daily Digest

## HIGHLIGHTS

Senate passed S. 2740, Over-the-Counter Monograph Safety, Innovation, and Reform Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S6909–S6956*

**Measures Introduced:** Twelve bills and four resolutions were introduced, as follows: S. 3003–3014, and S. Res. 449–452. **Pages S6949–50**

#### Measures Reported:

S. 1342, to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, with an amendment. (S. Rept. No. 116–170) **Page S6949**

#### Measures Passed:

**Over-the-Counter Monograph Safety, Innovation, and Reform Act:** By 91 yeas to 2 nays (Vote No. 389), Senate passed S. 2740, to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application. **Pages S6921–30**

**Virginia Beach Strong Act:** Pursuant to the order of November 21, 2019, and the text being identical to S. 2592, Senate passed H.R. 4566, to accelerate the income tax benefits for charitable cash contributions for the relief of the families of victims of the mass shooting in Virginia Beach, Virginia, on May 31, 2019. **Page S6956**

**Historically Black colleges and universities and other minority-serving institutions funding:** Senate passed H.R. 5363, to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions. **Page S6956**

**Congratulating astronauts Dr. Jessica U. Meir and Christina H. Koch:** Senate agreed to S. Res. 451, congratulating astronauts Dr. Jessica U. Meir

and Christina H. Koch for the historic accomplishment of completing the first all-female spacewalk. **Page S6956**

**VanDyke Nomination—Agreement:** Senate resumed consideration of the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit. **Pages S6920, S6930–43**

During consideration of this nomination today, Senate also took the following action:

By 53 yeas to 40 nays (Vote No. EX. 388), Senate agreed to the motion to close further debate on the nomination. **Page S6920**

A unanimous-consent agreement was reached providing for further consideration of the nomination, post-cloture, at approximately 9:30 a.m., on Wednesday, December 11, 2019; and that all time during recess, adjournment, morning business, and Leader remarks count post-cloture on the nomination. **Page S6956**

**Nomination Confirmed:** Senate confirmed the following nomination:

By 53 yeas to 40 nays (Vote No. EX. 387), Patrick J. Bumatay, of California, to be United States Circuit Judge for the Ninth Circuit. **Pages S6910–20**

**Nomination Discharged:** The following nomination were discharged from further committee consideration and placed on the Executive Calendar:

Sean O'Donnell, of Maryland, to be Inspector General, Environmental Protection Agency, which was sent to the Senate on October 15, 2019, from the Senate Committee on Homeland Security and Governmental Affairs. **Page S6956**

**Messages from the House:** **Page S6947**

**Measures Referred:** **Pages S6947–48**

**Measures Read the First Time:** **Page S6948**

**Executive Communications:** **Pages S6948–49**

**Executive Reports of Committees:** **Page S6949**

**Additional Cosponsors:** **Pages S6950–52**

## Statements on Introduced Bills/Resolutions:

Pages S6952–55

## Additional Statements:

Page S6946

## Authorities for Committees to Meet:

Page S6955

## Privileges of the Floor:

Page S6955

**Record Votes:** Three record votes were taken today. (Total—389)

Pages S6920–21

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:30 p.m., until 9:30 a.m. on Wednesday, December 11, 2019. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6956.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Mitchell A. Silk, of New York, to be an Assistant Secretary of the Treasury, Brian D. Montgomery, of Texas, to be Deputy Secretary, and David Carey Woll, Jr., of Connecticut, and John Bobbitt, of Texas, both to be an Assistant Secretary, all of the Department of Housing and Urban Development, and Peter J. Coniglio, of Virginia, to be Inspector General, Export-Import Bank.

### SEC OVERSIGHT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded an oversight hearing to examine the Securities and Exchange Commission, including S. 945, to amend the Sarbanes-Oxley Act of 2002 to require certain issuers to disclose to the Securities and Exchange Commission information regarding foreign jurisdictions that prevent the Public Company Accounting Oversight Board from performing inspections under that Act, after receiving testimony from Jay Clayton, Chairman, Securities and Exchange Commission.

### IMO 2020 MARINE SULFUR STANDARD

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the upcoming implementation of the International Maritime Organization's new global sulfur standard for marine fuels, which is set to take effect on January 1, 2020, after receiving testimony from Linda Capuano, Administrator, Energy Information Agency, Department of Energy; and John W. Butler, World Shipping Council, Derrick Morgan, American Fuel and Petrochemical Manufacturers, Neelesh Nerurkar, ClearView Energy Partners, LLC, and Jamie Webster, Boston Consulting Group, all of Washington, D.C.

### ENCRYPTION AND LAWFUL ACCESS

*Committee on the Judiciary:* Committee concluded a hearing to examine encryption and lawful access, focusing on evaluating benefits and risks to public safety and privacy, after receiving testimony from Cyrus R. Vance, Jr., New York County District Attorney, New York, New York; Matt Tait, University of Texas Lyndon B. Johnson School of Public Affairs, Austin; Erik Neuenschwander, Apple Inc., Cupertino, California; and Jay Sullivan, Facebook, Menlo Park, California.

### U.S. COPYRIGHT OFFICE OVERSIGHT

*Committee on the Judiciary:* Subcommittee on Intellectual Property concluded an oversight hearing to examine modernization of the United States Copyright Office, after receiving testimony from Carla Hayden, Librarian of Congress, and Bernard A. Barton, Jr., Chief Information Officer, both of the Library of Congress; and Jody A. Harry, Chief Financial Officer and Acting Chief of Operations, United States Copyright Office.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 15 public bills, H.R. 5374–5388; and 4 resolutions, H. Res. 755–757, 759 were introduced. Pages H10015–16

**Additional Cosponsors:**

Pages H10016–17

**Report Filed:** A report was filed today as follows:

H. Res. 758, providing for consideration of the bill (H.R. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, and for other



purposes; providing for consideration of the bill (H.R. 5038) to amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes; and providing for consideration of the conference report to accompany the bill (S. 1790) to authorize appropriations for fiscal year 2020 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 (H. Rept. 116–334).

**Page H10014**

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

**Page H9953**

**Recess:** The House recessed at 10:15 a.m. and reconvened at 12 noon.

**Page H9954**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Television Viewer Protection Act of 2019:** H.R. 5035, amended, to amend the Communications Act of 1934 to extend expiring provisions relating to the retransmission of signals of television broadcast stations; and

**Pages H9960–61**

**Fostering Undergraduate Talent by Unlocking Resources for Education Act:** H.R. 5363, amended, to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions, by a 2/3 yeas-and-nays vote of 319 yeas to 96 nays, Roll No. 659.

**Pages H9961–67, H9969**

**Recess:** The House recessed at 12:51 p.m. and reconvened at 12:59 p.m.

**Page H9961**

**Tribal Coastal Resiliency Act:** The House passed H.R. 729, to amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives, by a yeas-and-nays vote of 262 yeas to 151 nays, Roll No. 667.

**Pages H9956–60, H9969–H10005**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–40 shall be considered as adopted in the House and in the Committee of the Whole.

**Pages H9978–89**

Agreed to:

Huizenga amendment (No. 6 printed in H. Rept. 116–330) that requires no less than 10 percent of the funds awarded under the Living Shoreline grant program be available to projects located within the Great Lakes;

**Pages H9993–94**

Katko amendment (No. 8 printed in H. Rept. 116–330) that adds research on harmful algal bloom

development to U.S. Geological Survey research conducted under H.R. 729;

**Page H9994**

Katko amendment (No. 9 printed in H. Rept. 116–330) that provides grant eligibility under H.R. 729 to projects that assess the impact of water level regulating practices on the Great Lakes on coastal resiliency;

**Pages H9994–95**

Case en bloc amendment No. 1 consisting of the following amendments printed in H. Rept. 116–330: Hastings (No. 1) that expands the list of eligible activities for the award of Coastal Climate Change Adaptation Project Implementation Grants to include projects to address the immediate and long-term degradation or loss of coral and coral reefs; Hastings (No. 2) that includes coral reefs as eligible under the National Fish Habitat Conservation Through Partnerships program; Morelle (No. 3) that ensure that up to 5 percent of the funds appropriated under this section will be used by the Secretary to provide technical assistance, which will help accelerate early-stage resources and planning assistance for communities; McEachin (No. 5) that includes communities that may not have the resources necessary to prepare for or respond to coastal hazards to the list of priority areas the NOAA Administrator shall consider when determining living shoreline projects to receive federal grants; these communities include low-income communities, communities of color, Tribal communities, and rural communities; Lipinski (No. 7) that requires that climate change adaptation plans for Great Lakes coastal states shall include adaptive management strategies for Great Lakes ecosystems and resources; Moore (No. 10) that amends the Climate Change Adaptation program to add invasive species as a target of the adaptive management strategies to be included in the plans and to require such proposals to describe how they will involve and address concerns regarding the impact of climate change in coastal communities on nearby tribes and low-income and low-resource communities; Moore (No. 11) that amends the Living Shoreline Grant Program to require plans to include an education and outreach component for the community stakeholders most affected by the proposal and to add tribes and tribal organizations to the list that the Administrator may consult with in developing program standards; Higgins (NY) (No. 13) that directs USGS research to include the impacts of harmful algal blooms, nutrient pollution, and dead zones on Great Lakes fisheries; Speier (No. 15) that specifies that “built and natural environments” in terms of infrastructure would include sea walls and living shorelines; Bonamici (No. 16) that adds studying coastal acidification and hypoxia as allowable activities through the Coastal Climate Change Adaptation Project Implementation Grant program;

Bonamici (No. 17) that directs NOAA to enter into an agreement with the National Academy of Sciences to assess the need for and feasibility of establishing an Advanced Research Projects Agency-Oceans (ARPA-O); Kildee (No. 18) that requires NOAA to update the Environmental Sensitivity Index for the Great Lakes every seven years; Plaskett (No. 19) that permits a waiver of certain non-Federal contribution requirements for a fish habitat conservation project at the discretion of the Secretary; Jayapal (No. 20) that amends the legislation to increase the membership of the Fish Habitat Board by one seat to provide an additional seat for tribal representation; Jayapal (No. 21) that amends the legislation to ensure that grant funds awarded through the Living Shoreline Grant Program may be used to incentivize landowners to engage in living shoreline projects; Jayapal (No. 22) that amends the legislation to ensure that in developing minimum standards to be used in selecting eligible entities to receive grants under the Living Shoreline Grant Program, the Administrator considers entities with systems to disburse funding from a single grant to support multiple small-scale projects; Levin (MI) (No. 24) that specifies avian habitat protection and restoration projects as eligible activities to be considered for the Coastal Climate Change Adaptation Project Implementation grants in this bill; Rouda (No. 27) that adds a new section to the bill for a prize competition to stimulate innovation to advance coastal risk and resilience measures; and Rouda (No. 28) that adds a new section to the bill that would require the development of a catalog of research on applicable coastal risk reduction and resilience measures (by a recorded vote of 249 ayes to 166 noes, Roll No. 660);

**Pages H9989–92, H10000**

Brown (MD) amendment (No. 4 printed in H. Rept. 116–330) that authorizes the NOAA Administrator to award grants to eligible entities for collaborative research projects on the conservation, restoration, or management of oysters in the Chesapeake Bay (by a recorded vote of 235 ayes to 179 noes, Roll No. 661);

**Pages H9992–93, H10000–01**

Crist amendment (No. 12 printed in H. Rept. 116–330) that clarifies that Section 323, the Climate Change Adaptation Preparedness and Response Program, includes projects to address harmful algal blooms (by a recorded vote of 297 ayes to 121 noes, Roll No. 662);

**Pages H9995–96, H10001–02**

Panetta amendment (No. 14 printed in H. Rept. 116–330) that adds a finding that collaborations and partnerships between institutions of higher education and Federal agencies help ensure digital data focused on coastal management issues are communicated ef-

fectively between such entities (by a recorded vote of 389 ayes to 29 noes, Roll No. 663);

**Pages H9996, H10002**

Mucarsel-Powell amendment (No. 23 printed in H. Rept. 116–330) that ensures that corals are included as a natural element eligible for grants provided for by the Living Shoreline Grant Program (by a recorded vote of 285 ayes to 134 noes, Roll No. 664); and

**Pages H9996–97, H10002–03**

Luria amendment (No. 26 printed in H. Rept. 116–330) that directs NOAA to consider the potential of a living shoreline project to support the resiliency of military communities when developing criteria for grant applications (by a recorded vote of 368 ayes to 51 noes, Roll No. 665).

**Pages H9997, H10003**

Rejected:

Johnson (LA) amendment (No. 29 printed in H. Rept. 116–330) that sought to amend the Marine Mammal Protection Act of 1972 to limit the scope of the moratorium on taking and importing marine mammals and marine mammal products, and revises the requirements for obtaining an authorization for incidentally taking by harassment marine mammals (by a recorded vote of 160 ayes to 259 noes, Roll No. 666).

**Pages H9997–99, H10004**

H. Res. 748, the rule providing for consideration of the bill (H.R. 729) was agreed to by a yeas-and-nays vote of 226 yeas to 189 nays, Roll No. 658, after the previous question was ordered by a yeas-and-nays vote of 226 yeas to 188 nays, Roll No. 657.

**Pages H9968–69**

**Tribal Coastal Resiliency Act—Motion to Reconsider:** Representative Himes moved to reconsider the vote on passage of H.R. 729, to amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives. Representative McCollum moved to table the motion to reconsider. Further proceedings were postponed.

**Page H10005**

**Recess:** The House recessed at 7:16 p.m. and reconvened at 9:04 p.m.

**Page H10014**

**Quorum Calls—Votes:** Four yeas-and-nays votes and seven recorded votes developed during the proceedings of today and appear on pages H9968, H9968–69, H9969, H10000, H10000–01, H10001–02, H10002, H10002–03, H10003, H10004, and H10004–05. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 9:05 p.m.

## Committee Meetings

### THE IMPLEMENTATION OF FARM BILL INTERNATIONAL FOOD ASSISTANCE AND DEVELOPMENT PROGRAMS

*Committee on Agriculture:* Subcommittee on Livestock and Foreign Agriculture held a hearing entitled “The Implementation of Farm Bill International Food Assistance and Development Programs”. Testimony was heard from Ken Isley, Administrator, Foreign Agricultural Service, Department of Agriculture; and Trey Hicks, Director, Office of Food for Peace, U.S. Agency for International Development.

### DIVERSITY IN RECRUITING AND RETENTION: INCREASING DIVERSITY IN THE MILITARY—WHAT THE MILITARY SERVICES ARE DOING

*Committee on Armed Services:* Subcommittee on Military Personnel held a hearing entitled “Diversity in Recruiting and Retention: Increasing Diversity in the Military—What the Military Services are Doing”. Testimony was heard from Lieutenant General Thomas C. Seamands, Deputy Chief of Staff, G-1, U.S. Army; Vice Admiral John B. Nowell, Jr., Chief of Naval Personnel, U.S. Navy; Lieutenant General Brian T. Kelly, Deputy Chief of Staff for Manpower, Personnel and Services, U.S. Air Force; and Lieutenant General Michael A. Rocco, Deputy Commandant for Manpower and Reserve Affairs, U.S. Marine Corps.

### SECURING THE U.S. DRUG SUPPLY CHAIN: OVERSIGHT OF FDA’S FOREIGN INSPECTION PROGRAM

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled “Securing the U.S. Drug Supply Chain: Oversight of FDA’s Foreign Inspection Program”. Testimony was heard from Mary Denigan-Macauley, Director, Health Care, Government Accountability Office; and Janet Woodcock, M.D., Director, Center for Drug Evaluation and Research, U.S. Food and Drug Administration, Department of Health and Human Services.

### PROPOSALS TO ACHIEVE UNIVERSAL HEALTH CARE COVERAGE

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled “Proposals to Achieve Universal Health Care Coverage”. Testimony was heard from Representatives Jayapal, DeLauro, Higgins of New York, Delgado, and Malinowski; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Financial Services:* Full Committee began a markup on H.R. 1731, the “Cybersecurity Disclosure Act of 2019”; H.R. 2445, the “Self-Employed Mortgage Access Act of 2019”; H.R. 4545, the “Private Loan Disability Discharge Act of 2019”; H.R. 5287, the “Fair Student Loan Debt Collection Practices Act”; H.R. 5294, the “Student Borrowers Protections Act”; H.R. 5332, the “Protecting Your Credit Score Act of 2019”; H.R. 5330, the “Consumer Protections for Medical Debt Collections Act”; H.R. 5322, the “Ensuring Diversity in Community Banking Act of 2019”; H.R. 5315, the “Expanding Opportunities for Minority Depository Institutions (MDIs) Act”; a resolution electing majority members to the Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets; a resolution establishing the Task Force on Artificial Intelligence; and a resolution establishing the Task Force on Financial Technology.

### HAITI ON THE BRINK: ASSESSING U.S. POLICY TOWARD A COUNTRY IN CRISIS

*Committee on Foreign Affairs:* Subcommittee on the Western Hemisphere, Civilian Security, and Trade held a hearing entitled “Haiti on the Brink: Assessing U.S. Policy Toward a Country in Crisis”. Testimony was heard from public witnesses.

### AUTHORITARIANISM WITH CHINESE CHARACTERISTICS: POLITICAL AND RELIGIOUS HUMAN RIGHTS CHALLENGES IN CHINA

*Committee on Foreign Affairs:* Subcommittee on Asia, the Pacific, and Nonproliferation held a hearing entitled “Authoritarianism with Chinese Characteristics: Political and Religious Human Rights Challenges in China”. Testimony was heard from public witnesses.

### THE WAY FORWARD IN IRAQ

*Committee on Foreign Affairs:* Subcommittee on the Middle East, North Africa, and International Terrorism held a hearing entitled “The Way Forward in Iraq”. Testimony was heard from Joey Hood, Principal Deputy Assistant Secretary, Bureau of Near Eastern Affairs, Department of State.

### EXAMINING THE NEED FOR COMPREHENSIVE NATIONAL PAID FAMILY AND MEDICAL LEAVE

*Committee on Oversight and Reform:* Full Committee held a hearing entitled “Examining the Need for Comprehensive National Paid Family and Medical Leave”. Testimony was heard from Representative DeLauro; Robert Asaro-Angelo, Commissioner, New Jersey Department of Labor and Workforce Development; and public witnesses.

**EXAMINING CARCINOGENS IN TALC AND THE BEST METHODS FOR ASBESTOS DETECTION**

*Committee on Oversight And Reform:* Subcommittee on Economic and Consumer Policy held a hearing entitled “Examining Carcinogens in Talc and the Best Methods for Asbestos Detection”. Testimony was heard from public witnesses.

**LOWER DRUG COSTS NOW ACT OF 2019; FARM WORKFORCE MODERNIZATION ACT OF 2019; CONFERENCE REPORT TO ACCOMPANY THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020**

*Committee on Rules:* Full Committee held a hearing on H.R. 3, the “Lower Drug Costs Now Act of 2019” [Elijah E. Cummings Lower Drug Costs Now Act of 2019]; H.R. 5038, the “Farm Workforce Modernization Act of 2019”; and the Conference report to accompany S. 1790, the “National Defense Authorization Act for Fiscal Year 2020” (H. Rept. 116–333). The Committee granted, by record vote of 8–3, a rule providing for consideration of H.R. 3, the “Lower Drug Costs Now Act of 2019”, H.R. 5038, the “Farm Workforce Modernization Act of 2019”, and the Conference report to accompany S. 1790, the “National Defense Authorization Act for Fiscal Year 2020” (H. Rept. 116–333). The rule provides for consideration of H.R. 3, the “Lower Drug Costs Now Act of 2019”, under a structured rule. The rule provides four hours of general debate, with three hours equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Education and Labor, Energy and Commerce, and Ways and Means, and one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. 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 116–41, modified by the amendment printed in Part A of the Rules Committee report, 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 makes in order only those further amendments printed in Part B of the Rules Committee report. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand

for division of the question. The rule waives all points of order against the amendments printed in Part B of the report. The rule provides one motion to recommit with or without instructions. The rule provides for consideration of H.R. 5038, the “Farm Workforce Modernization Act of 2019”, under a closed rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. 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 116–42, modified by the amendment printed in Part C of the Rules Committee report, 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 for consideration of the conference report to accompany S. 1790, the “National Defense Authorization Act for Fiscal Year 2020”. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides one hour of debate on the conference report, divided pursuant to clause 8(d) of rule XXII. The rule provides one motion to recommit if applicable. The rule provides that the chair of the Permanent Select Committee on Intelligence may insert in the Congressional Record not later than December 13, 2019, such material as he may deem explanatory of intelligence authorization measures for the fiscal years 2018, 2019, and 2020. The rule provides that it shall be in order at any time through the legislative day of December 20, 2019, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV, and that the Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section. The rule waives the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House with respect to any resolution reported through the legislative day of December 20, 2019. Section 7 of the rule provides that on any legislative day of the first session of the 116th Congress after December 12, 2019: 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. Section 8 of the rule provides that on any legislative

day of the second session of the 116th Congress before January 7, 2020: the Speaker may dispense with organizational and legislative business; the Journal of the proceedings of the previous day shall be considered as approved if applicable; 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. The rule provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the periods addressed by sections 7 and 8. The rule provides that each day during the periods addressed by sections 7 and 8: shall not constitute calendar days for the purposes of section 7 of the War Powers Resolution; shall not constitute a legislative day for the purposes of clause 7 of rule XIII; and shall not constitute a legislative day for the purposes of clause 7 of rule XV. Testimony was heard from Chairman Lofgren, Chairman Scott of Virginia, Chairman Pallone, Chairman Neal, Chairman Smith of Washington, and Representatives Walden, Brady, Foxx, Doggett, Titus, Collins of Georgia, Newhouse, and Thornberry.

#### RESEARCH AND INNOVATION TO ADDRESS THE CRITICAL MATERIALS CHALLENGE

*Committee on Science, Space, and Technology:* Subcommittee on Energy held a hearing entitled “Research and Innovation to Address the Critical Materials Challenge”. Testimony was heard from public witnesses.

#### REVIEW OF THE SBA’S 504/CDC LOAN PROGRAM

*Committee on Small Business:* Subcommittee on Investigations, Oversight and Regulations held a hearing entitled “Review of the SBA’s 504/CDC Loan Program”. Testimony was heard from public witnesses.

### Joint Meetings

#### NATIONAL DEFENSE AUTHORIZATION ACT

On Monday, December 9, 2019, *Conferees* agreed to file a conference report on the differences between the Senate and House passed versions of S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year.

#### COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 11, 2019

*(Committee meetings are open unless otherwise indicated)*

##### Senate

*Committee on Armed Services:* to hold closed hearings to examine an update on the situation and United States strategy in Afghanistan, 2:30 p.m., SVC–217.

*Committee on Commerce, Science, and Transportation:* business meeting to consider S. 2204, to allow the Federal Communications Commission to carry out a pilot program under which voice service providers could block certain automated calls, S. 2363, to amend the Communications Act of 1934 to establish a Telecommunications Workforce Development Advisory Council within the Federal Communications Commission, S. 2381, to require review by the Government Accountability Office of screening protocols of the Transportation Security Administration relating to breast milk and formula, S. 2638, to amend title 49, United States Code, to require small hub airports to construct areas for nursing mothers, S. 2661, to amend the Communications Act of 1934 to designate 9–8–8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, S. 2730, to establish and ensure an inclusive transparent Drone Advisory Committee, S. 2786, to establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation, S. 2802, to amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue and Response Grant Program, S. 2881, to require the Federal Communications Commission to make not less than 280 megahertz of spectrum available for terrestrial use, S. 2898, to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers, S. 2909, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration, S. 2964, to amend title 49, United States Code, to extend the authority of the Secretary of Transportation to issue non-premium aviation insurance, S. 2979, to improve drug testing for transportation-related activities, and S. 2981, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002; to be immediately followed by a hearing to examine the nomination of Thomas B. Chapman, of Maryland, to be a Member of the National Transportation Safety Board, 10 a.m., SD–G50.

*Committee on Foreign Relations:* business meeting to consider S. 2641, to promote United States national security and prevent the resurgence of ISIS, S. 2547, to state the policy of the United States with respect to the expansion of cooperation with allies and partners in the Indo-Pacific region and Europe regarding the People’s Republic of China, S. 2977, to extend the termination of sanctions with respect to Venezuela under the Venezuela Defense of

Human Rights and Civil Society Act of 2014, S. 1310, to strengthen participation of elected national legislators in the activities of the Organization of American States and reaffirm United States support for Organization of American States human rights and anti-corruption initiatives, S. 1830, to enhance the security of the United States and its allies, S. 704, to prioritize the efforts of and enhance coordination among United States agencies to encourage countries in Central and Eastern Europe to diversify their energy sources and supply routes, increase Europe's energy security, and help the United States reach its global energy security goals, S. 1189, to require the Secretary of State to determine whether the Russian Federation should be designated as a state sponsor of terrorism and whether Russian-sponsored armed entities in Ukraine should be designated as foreign terrorist organizations, S. 482, to strengthen the North Atlantic Treaty Organization, to combat international cybercrime, and to impose additional sanctions with respect to the Russian Federation, S. J.Res. 4, requiring the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation, S. Con. Res. 23, honoring the 75th Anniversary of the Battle of the Bulge fought during World War II, recognizing the valiant efforts of the Allied Forces in December 1944, and remembering those who made the ultimate sacrifice, all of which contributed to the Allied victory in the European Theater, S. Res. 142, condemning the Government of the Philippines for its continued detention of Senator Leila De Lima, calling for her immediate release, S. Res. 152, expressing the importance of the United States alliance with the Republic of Korea and the contributions of Korean Americans in the United States, S. Res. 260, recognizing the importance of sustained United States leadership to accelerating global progress against maternal and child malnutrition and supporting the commitment of the United States Agency for International Development to global nutrition through the Multi-Sectoral Nutrition Strategy, S. Res. 297, commending the Inter-American Foundation (IAF) on the occasion of its 50th anniversary for its significant accomplishments and contributions to the economic and social development of the Americas, S. Res. 343, congratulating the people of the Czech Republic and the people of the Slovak Republic on the 30th anniversary of the Velvet Revolution, the 26th anniversary of the formation of the Czech Republic and the Slovak Republic, and the 101st anniversary of the declaration of independence of Czechoslovakia, S. Res. 371, reaffirming the support of the United States for the people of the Republic of South Sudan and calling on all parties to uphold their commitments to peace and dialogue as outlined in the 2018 revitalized peace agreement, S. Res. 374, expressing support for the designation of October 23, 2019, as a national day of remembrance of the tragic terrorist bombing of the United States Marine Corps barracks in Beirut, Lebanon, in 1983, S. Res. 375, recognizing the 75th anniversary of the Warsaw Uprising, S. Res. 385, celebrating the 30th anniversary of the fall of the Berlin Wall, the reunification of both Germany and Europe, and the spread of democracy around

the world, S. Res. 395, recognizing the 40th anniversary of the Iran Hostage Crisis, H.R. 2744, to authorize the Administrator of the United States Agency for International Development to prescribe the manner in which programs of the agency are identified overseas, H.R. 133, to promote economic partnership and cooperation between the United States and Mexico, an original resolution expressing serious concern about widespread irregularities in Bolivia's October 20, 2019, general elections and supporting the convening of new elections in Bolivia at the earliest possible date, the nomination of Sung Y. Kim, of California, to be Ambassador to the Republic of Indonesia, Department of State, and other pending calendar business, 10 a.m., S-116, Capitol.

*Committee on Indian Affairs:* business meeting to consider S. 1853, to require Federal law enforcement agencies to report on cases of missing or murdered Indians, and S. 2365, to amend the Indian Health Care Improvement Act to authorize urban Indian organizations to enter into arrangements for the sharing of medical services and facilities; to be immediately followed by a hearing to examine the nomination of Michael D. Weahkee, of New Mexico, to be Director of the Indian Health Service, Department of Health and Human Services, 2:30 p.m., SD-628.

*Committee on the Judiciary:* to hold hearings to examine the Inspector General's report on alleged abuses of the Foreign Intelligence Surveillance Act, 10 a.m., SH-216.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine the nomination of Jovita Carranza, of Illinois, to be Administrator of the Small Business Administration, 2:30 p.m., SR-428A.

## House

*Committee on Agriculture,* Full Committee, hearing entitled "Member Day", 10 a.m., 1300 Longworth.

Subcommittee on Commodity Exchanges, Energy, and Credit, hearing entitled "Review of Credit Conditions: Report from Agricultural Lenders", 2 p.m., 1300 Longworth.

*Committee on Armed Services,* Full Committee, hearing entitled "U.S. Policy in Syria and the Broader Region", 10 a.m., 2118 Rayburn.

Subcommittee on Intelligence and Emerging Threats and Capabilities, hearing entitled "Climate Change in the Era of Strategic Competition", 2 p.m., 2118 Rayburn.

*Committee on Financial Services,* Full Committee, continue markup on H.R. 1731, the "Cybersecurity Disclosure Act of 2019"; H.R. 2445, the "Self-Employed Mortgage Access Act of 2019"; H.R. 4545, the "Private Loan Disability Discharge Act of 2019"; H.R. 5287, the "Fair Student Loan Debt Collection Practices Act"; H.R. 5294, the "Student Borrowers Protections Act"; H.R. 5332, the "Protecting Your Credit Score Act of 2019"; H.R. 5330, the "Consumer Protections for Medical Debt Collections Act"; H.R. 5322, the "Ensuring Diversity in Community Banking Act of 2019"; H.R. 5315, the "Expanding Opportunities for Minority Depository Institutions (MDIs) Act"; a resolution electing majority members to the Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets; a resolution establishing the Task Force on Artificial Intelligence; and a resolution establishing



the Task Force on Financial Technology, 10 a.m., 2128 Rayburn.

*Committee on the Judiciary*, Full Committee, begin markup on H. Res. 755, the “Articles of Impeachment Against President Donald J. Trump”, 7 p.m., 1100 Longworth.

*Committee on Oversight and Reform*, Subcommittee on Civil Rights and Civil Liberties; and Subcommittee on Transportation and Maritime Security of the House Committee on Homeland Security, joint hearing entitled “Righting the Ship: The Coast Guard Must Improve its Processes for Addressing Harassment, Bullying, and Retaliation”, 10 a.m., 2154 Rayburn.

Subcommittee on Government Operations, hearing entitled “FITARA 9.0”, 2 p.m., 2154 Rayburn.

*Committee on Rules*, Subcommittee on Legislative and Budget Process, hearing entitled “Solving an Epidemic: Addressing Human Trafficking Around Major Events like the Super Bowl and the Need for

Cross-Jurisdictional Solutions” [Original Jurisdiction Hearing], 10:30 a.m., H-313 Capitol.

*Committee on Transportation and Infrastructure*, Full Committee, hearing entitled “The Boeing 737 MAX: Examining the Federal Aviation Administration’s Oversight of the Aircraft’s Certification”, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, Full Committee, markup on H.R. 5306, the “Know Your Social Security Act”; and legislation on Restoring Tax Fairness for States and Localities Act, 10 a.m., 1100 Longworth.

*Select Committee on the Climate Crisis*, Full Committee, hearing entitled “Creating a Climate Resilient America: Smart Finance for Strong Communities”, 2 p.m., 210 Cannon.

### Joint Meetings

*Commission on Security and Cooperation in Europe*: to receive a briefing on Albania’s leadership in Europe, 2 p.m., 2200, Rayburn Building.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, December 11

## Senate Chamber

**Program for Wednesday:** Senate will continue consideration of the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit, post-cloture.

At 12 noon, Senate will vote on passage of H.R. 2333, Support for Suicide Prevention Coordinators Act.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, December 11

## House Chamber

**Program for Wednesday:** Consideration of H.R. 5038—Farm Workforce Modernization Act of 2019 (Subject to a Rule). Consideration of H.R. 3—Elijah E. Cummings Lower Drug Costs Now Act Lower Drug Costs Now Act of 2019 (Subject to a Rule). Consideration of the conference report to accompany S. 1790—National Defense Authorization Act for Fiscal Year 2020 (Subject to a Rule).

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