

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6717–S6763

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 3503–3510, and S. Res. 631. **Page S6758**

Measures Reported:

S. 2997, to direct the Federal Communications Commission to commence proceedings related to the resiliency of critical telecommunications networks during times of emergency, with an amendment in the nature of a substitute. (S. Rept. No. 114–392)

S. 3097, to establish the SelectUSA program, with an amendment in the nature of a substitute. (S. Rept. No. 114–393)

Report to accompany S. 2763, to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis. (S. Rept. No. 114–394)

S. 421, to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, with an amendment in the nature of a substitute.

S. 1685, to direct the Federal Communications Commission to extend to private land use restrictions its rule relating to reasonable accommodation of amateur service communications.

S. 2283, to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements, with an amendment in the nature of a substitute.

S. 2508, to reduce sports-related concussions in youth. **Pages S6757–58**

House Messages:

Tsunami Warning, Education, and Research Act—Agreement: Senate continued consideration of the amendment of the House to the amendment of the Senate to H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, taking action on the

following motions and amendments proposed there-to: **Pages S6719–30**

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Page S6719**

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell Amendment No. 5117, to change the enactment date. **Page S6719**

McConnell Amendment No. 5118 (to Amendment No. 5117), of a perfecting nature. **Page S6719**

A unanimous-consent agreement was reached providing that notwithstanding rule XXII, the post-cloture time with respect to McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill expire at 2 p.m., on Wednesday, December 7, 2016; and that if cloture is invoked on the conference report to accompany S. 2943, to authorize appropriations for fiscal year 2017 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, that the post-cloture time be counted as if cloture had been invoked at 1 a.m., on Wednesday, December 7, 2016. **Page S6762**

A unanimous-consent agreement was reached providing for further consideration of the message of the House to accompany the bill, post-cloture, at approximately 9:30 a.m., on Wednesday, December 7, 2016; and that the time from 3 p.m., until 4 p.m. be reserved for tributes to the President of the Senate. **Page S6762**

Appointments:

United States-China Economic Security Review Commission: The Chair announced, on behalf of the Majority Leader, pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the re-appointment of the following individual to serve as a member of the United States-China Economic Security Review Commission: Robin Cleveland of Virginia, for a term

beginning January 1, 2017 and expiring December 31, 2018. **Page S6762**

Virgin Islands of the United States Centennial Commission: The Chair announced, on behalf of the Majority Leader, pursuant to the provisions of Public Law 114–224, the appointment of the following individuals to serve as members of the Virgin Islands of the United States Centennial Commission: Senators Murkowski and Rubio. **Page S6762**

Nominations Received: Senate received the following nominations:

Richard A. Kennedy, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2022.

Rebecca Emily Rapp, of Wisconsin, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2019.

Thomas J. Murphy, of Colorado, to be Under Secretary for Benefits of the Department of Veterans Affairs.

63 Air Force nominations in the rank of general. Routine lists in the Army. **Pages S6762–63**

Messages from the House: **Page S6757**

Measures Referred: **Page S6757**

Executive Reports of Committees: **Page S6758**

Additional Cosponsors: **Pages S6759–60**

Statements on Introduced Bills/Resolutions: **Pages S6760–61**

Additional Statements: **Pages S6756–57**

Amendments Submitted: **Page S6761**

Authorities for Committees to Meet: **Page S6762**

Privileges of the Floor: **Page S6762**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:54 p.m., until 9:30 a.m. on Wednesday, December 7, 2016. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6762.)

Committee Meetings

(Committees not listed did not meet)

WORLDWIDE THREATS

Committee on Armed Services: Committee concluded a hearing to examine emerging United States defense challenges and worldwide threats, after receiving testimony from General John M. Keane, USA (Ret.), Institute for the Study of War, former Vice Chief of Staff of the Army, Shawn Brimley, Center for a New American Security, and Robert Kagan, The Brookings Institution, all of Washington, D.C.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

H.R. 1150, to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, with an amendment in the nature of a substitute;

H.R. 2845, to promote access to benefits under the African Growth and Opportunity Act, with an amendment;

H.R. 4481, to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the goal of all children in school and learning as an objective of the United States foreign assistance policy, with an amendment in the nature of a substitute;

H.R. 4939, to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, with an amendment in the nature of a substitute;

S. Res. 537, expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes, with an amendment in the nature of a substitute;

S. Res. 535, expressing the sense of the Senate regarding the trafficking of illicit fentanyl into the United States from Mexico and China, with an amendment in the nature of a substitute;

S. 8, to provide for the approval of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Norway Concerning Peaceful Uses of Nuclear Energy;

S. Con. Res. 57, honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable 70-year reign of King Bhumibol Adulyadej of Thailand;

S. Con. Res. 30, expressing concern over the disappearance of David Sneddon;

Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro (Treaty Doc. 114–12); and

The nomination of Kamala Shirin Lakhdir, of Connecticut, to be Ambassador to Malaysia, and lists in the Foreign Service, all of the Department of State.

IRANIAN THREAT NETWORK

Committee on Foreign Relations: Committee concluded a hearing to examine defeating the Iranian threat network, focusing on options for countering Iranian proxies, after receiving testimony from J. Matthew McInnis, American Enterprise Institute, and Melissa G. Dalton, Center for Strategic and International Studies International Security Program, both of Washington, D.C.

RETALIATORY CRIMINAL REFERRALS

Committee on the Judiciary: Subcommittee on Crime and Terrorism concluded a hearing to examine whether additional firewalls are needed to protect Congressional oversight staff from retaliatory criminal referrals, after receiving testimony from Jeffrey H. Smith, Arnold and Porter LLP, and William Pittard, KaiserDillon PLLC, both of Washington, D.C.; and Scott Horton, Columbia Law School, Pelham, New York.

House of Representatives*Chamber Action*

Public Bills and Resolutions Introduced: 8 public bills, H.R. 6439–6446; and 4 resolutions, H.J. Res. 106; and H. Res. 945–947, were introduced.

Page H7271

Additional Cosponsors:

Page H7272

Report Filed: A report was filed today as follows:

H. Res. 944, providing for consideration of the bill (H.R. 5143) to provide greater transparency and congressional oversight of international insurance standards setting processes, and for other purposes; providing for proceedings during the period from December 9, 2016, through January 3, 2017; and providing for consideration of motions to suspend the rules (H. Rept. 114–846).

Page H7271

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

Page H7183

Recess: The House recessed at 10:43 a.m. and reconvened at 12 noon.

Page H7188

Suspensions: The House agreed to suspend the rules and pass the following measures:

Streamlining Energy Efficiency for Schools Act: H.R. 756, to amend the Energy Policy and Conservation Act to provide for the dissemination of information regarding available Federal programs relating to energy efficiency projects for schools;

Pages H7190–92

Power And Security Systems Act: H.R. 6375, to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems;

Pages H7192–93

Childhood Cancer Survivorship, Treatment, Access, and Research Act: H.R. 3381, amended, to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments;

Pages H7193–98

Expanding Capacity for Health Outcomes Act: S. 2873, to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services;

Pages H7198–99

Improving Broadband Access for Veterans Act of 2016: H.R. 6394, to require the Federal Communications Commission to submit to Congress a report on promoting broadband Internet access service for veterans, by a $\frac{2}{3}$ yeas-and-nays vote of 411 yeas to 4 nays, Roll No. 604;

Pages H7199–H7200, H7249–50

Expressing the sense of the House of Representatives that access to digital communications tools and connectivity is necessary to prepare youth in the United States to compete in the 21st century economy: H. Res. 939, expressing the sense of the House of Representatives that access to digital communications tools and connectivity is necessary to prepare youth in the United States to compete in the 21st century economy, by a $\frac{2}{3}$ yeas-and-nays vote of 411 yeas to 1 nay, Roll No. 605;

Pages H7200–01, H7250–51

Expressing the sense of the House of Representatives with respect to third-party charges on consumer telephone bills: H. Res. 932, expressing the sense of the House of Representatives with respect to third-party charges on consumer telephone bills;

Pages H7201–02

National Park Service Centennial Act: H.R. 4680, amended, to prepare the National Park Service for its Centennial in 2016 and for a second century

of promoting and protecting the natural, historic, and cultural resources of our National Parks for the enjoyment of present and future generations;

Pages H7203–08

Northern Mariana Islands Economic Expansion Act: H.R. 6401, to amend Public Law 94–241 with respect to the Northern Mariana Islands;

Pages H7209–11

Providing for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon: S. 817, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon;

Page H7212

Amending the Grand Ronde Reservation Act to make technical corrections: S. 818, to amend the Grand Ronde Reservation Act to make technical corrections;

Pages H7212–15

Cross-Border Trade Enhancement Act: H.R. 875, amended, to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry;

Pages H7215–20

Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016: H.R. 6416, to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, by a $\frac{2}{3}$ yeas-and-nays vote of 419 yeas with none voting “nay”, Roll No. 606;

Pages H7221–41, H7251

Ethical Patient Care for Veterans Act of 2016: H.R. 5399, to amend title 38, United States Code, to ensure that physicians of the Department of Veterans Affairs fulfill the ethical duty to report to State licensing authorities impaired, incompetent, and unethical health care activities;

Pages H7241–42

Faster Care for Veterans Act of 2016: H.R. 4352, amended, to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system;

Pages H7242–45

Designating the Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, as the “Colonel Demas T. Craw VA Clinic”: S. 3492, to designate the Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, as the “Colonel Demas T. Craw VA Clinic”;

Pages H7245–46

Charles Duncan Buried with Honor Act of 2016: S. 3076, to amend title 38, United States Code, and to authorize the Secretary of Veterans Affairs to furnish caskets and urns for burial in cemeteries of States and tribal organizations of veterans

without next of kin or sufficient resources to provide for caskets or urns; and

Pages H7246–47

Department of Veterans Affairs Emergency Medical Staffing Recruitment and Retention Act: H.R. 4150, amended, to amend title 38, United States Code, to allow the Secretary of Veterans Affairs to modify the hours of employment of physicians and physician assistants employed on a full-time basis by the Department of Veterans Affairs.

Pages H7248–49

Extending the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals: The House agreed to discharge from committee and pass H.R. 6438, to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals.

Pages H7220–21

Question of Privilege: Representative Jordan rose to a question of the privileges of the House and submitted a resolution. Subsequently, the Chair ruled that the resolution did present a question of the privileges of the House.

Pages H7251–53

Rejected the Pelosi motion to table the resolution, H. Res. 828, by a yeas-and-nays vote of 180 yeas to 235 yeas, Roll No. 607.

Page H7254

Agreed to the Goodlatte motion to refer the resolution to the Committee on the Judiciary by a recorded vote of 342 yeas to 72 noes, Roll No. 608, after the previous question was ordered without objection.

Page H7254

Providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fifteenth Congress: The House agreed to H. Res. 945, to provide for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fifteenth Congress.

Page H7255

Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 34: The House agreed to take from the Speaker's table and concur in the Senate amendment to H. Con. Res. 174, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 34.

Page H7255

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed.

Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2016: H.R. 1219, amended, to authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District; and

Pages H7208–09

Daniel J. Evans Olympic National Park Wilderness Act: S. 3028, to redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness.

Page H7215

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H7190.

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H7249–50, H7250, H7251, H7253, and H7254. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:08 p.m.

Committee Meetings

VOLKSWAGEN'S EMISSIONS CHEATING SETTLEMENT: QUESTIONS CONCERNING ZEV PROGRAM IMPLEMENTATION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Volkswagen's Emissions Cheating Settlement: Questions Concerning ZEV Program Implementation". Testimony was heard from Cynthia Giles, Assistant Administrator, Office of Enforcement and Compliance Assurance, Environmental Protection Agency; and Janet McCabe, Acting Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency.

AMERICAN COMPASSION IN INDIA: GOVERNMENT OBSTACLES

Committee on Foreign Affairs: Full Committee held a hearing entitled "American Compassion in India: Government Obstacles". Testimony was heard from public witnesses.

STEP OR STUMBLE: THE OBAMA ADMINISTRATION'S PIVOT TO ASIA

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing entitled "Step or Stumble: The Obama Administration's Pivot to Asia". Testimony was heard from public witnesses.

EXAMINING DECADES OF DATA MANIPULATION AT THE UNITED STATES GEOLOGICAL SURVEY

Committee on Natural Resources: Subcommittee on Oversight and Investigations held a hearing entitled "Examining Decades of Data Manipulation at the United States Geological Survey". Testimony was heard from William Werkheiser, Deputy Director, U.S. Geological Survey.

THE FEDERAL INFORMATION TECHNOLOGY ACQUISITION REFORM ACT (FITARA) SCORECARD 3.0: MEASURING AGENCIES' IMPLEMENTATION

Committee on Oversight and Government Reform: Subcommittee on Information Technology; and Subcommittee on Government Operations, held a joint hearing entitled "The Federal Information Technology Acquisition Reform Act (FITARA) Scorecard 3.0: Measuring Agencies' Implementation". Testimony was heard from Luke McCormick, Chief Information Officer, Department of Homeland Security; Chip Fulghum, Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security; Frontis Wiggins, Chief Information Officer, Department of State; Douglas Pitkin, Director, Bureau of Budget and Planning, Department of State; and David A. Powner, Director, IT Management Issues, Government Accountability Office.

TRANSPARENT INSURANCE STANDARDS ACT OF 2016

Committee on Rules: Full Committee held a hearing on H.R. 5143, the "Transparent Insurance Standards Act of 2016". The committee granted, by record vote of 6–2, a structured rule for H.R. 5143. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. 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 114–68 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 the further amendment printed in the Rules Committee report, if offered by the Member designated in the report, which 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 amendment printed in the report. The rule provides one motion to recommit with or without instructions. The rule provides that on any legislative day after December 8, 2016: 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. The rule provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed

by section 2. The rule provides that each day during the period addressed by section 2 of the resolution shall not constitute calendar days for the purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546). The rule provides that each day during the period addressed by section 2 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry). Finally, the rule provides that it shall be in order at any time on the legislative day of December 8, 2016, for the Speaker to entertain motions that the House suspend the rules and that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section. Testimony was heard from Representatives Luetkemeyer, Cleaver, and Heck of Washington.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 7, 2016

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, to hold hearings to examine assessing the security of our critical surface transportation infrastructure, 2:30 p.m., SR-253.

Committee on Indian Affairs: to hold an oversight hearing to examine the Department of the Interior's Land Buy-Back Program for Tribal Nations, four years later, 2:15 p.m., SD-628.

Committee on Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the competitive impact of the AT&T-Time Warner transaction, 10 a.m., SD-226.

Select Committee on Intelligence: to receive a closed briefing on certain intelligence matters, 3 p.m., SH-219.

House

Committee on Agriculture, Full Committee, hearing entitled "1890 Land-Grant Institutions: Recruitment Challenges and Scholarship Opportunities", 10 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Military Personnel, hearing entitled "California National Guard Bonus Repayment Issue", 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "Waste and Duplication in the USDA Catfish Inspection Program", 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Monetary Policy and Trade, hearing entitled "Unconventional Monetary Policy", 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Europe, Eurasia, and Emerging Threats, hearing entitled "Corruption: A Danger to Democracy in Europe and Eurasia", 10 a.m., 2172 Rayburn.

Committee on Oversight and Government Reform, Full Committee, hearing entitled "Examining the Costs of Overclassification on Transparency and Security", 9 a.m., 2154 Rayburn.

Subcommittee on Government Operations, hearing entitled "Time and Attendance Abuse at the U.S. Patent and Trademark Office", 2 p.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the "George P. Kazen Federal Building and United States Courthouse", 3 p.m., H-313 Capitol.

Committee on Transportation and Infrastructure, Full Committee, markup on General Services Administration Capital Investment and Leasing Program Resolutions; and possible other matters cleared for consideration, 10 a.m., 2167 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to receive a briefing on Baltic security after the Warsaw NATO summit, 2 p.m., 340, Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 7

Senate Chamber

Program for Wednesday: Senate will continue consideration of the message of the House to accompany H.R. 34, Tsunami Warning, Education, and Research Act (the legislative vehicle for 21st Century Cures Act), post-cloture, and vote on McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill at 2 p.m.

Following disposition of the message of the House to accompany H.R. 34, Senate will vote on the motion to invoke cloture on the conference report to accompany S. 2943, National Defense Authorization Act.

(The time from 3 p.m. until 4 p.m. will be reserved for tributes to the President of the Senate.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 7

House Chamber

Program for Wednesday: Consideration of H.R. 5143—Transparent Insurance Standards Act of 2016 (Subject to a Rule). Consideration of measures under suspensions of the rules.

Extensions of Remarks, as inserted in this issue

HOUSE

Brady, Kevin, Tex., E1601
 Brady, Robert A., Pa., E1601
 Cartwright, Matt, Pa., E1598
 Castor, Kathy, Fla., E1602
 Connolly, Gerald E., Va., E1594, E1596, E1598, E1599,
 E1599, E1601, E1602, E1604, E1605, E1607
 Conyers, John, Jr., Mich., E1606
 Ellison, Keith, Minn., E1597
 Emmer, Tom, Minn., E1600, E1603
 Frankel, Lois, Fla., E1599
 Garamendi, John, Calif., E1595

Grayson, Alan, Fla., E1604, E1607
 Hice, Jody B., Ga., E1596
 Higgins, Brian, N.Y., E1595
 Huizenga, Bill, Mich., E1593
 Hurt, Robert, Va., E1596
 Kaptur, Marcy, Ohio, E1600
 Lofgren, Zoe, Calif., E1599
 Long, Billy, Mo., E1596, E1602, E1603, E1605, E1606
 Newhouse, Dan, Wash., E1601
 Perlmutter, Ed, Colo., E1595, E1596, E1597
 Perry, Scott, Pa., E1593, E1594
 Peterson, Collin C., Minn., E1598
 Poe, Ted, Tex., E1603

Roe, David P., Tenn., E1594
 Ross, Dennis A., Fla., E1594
 Schrader, Kurt, Ore., E1606
 Sewell, Terri A., Ala., E1597
 Stutzman, Marlin A., Ind., E1599
 Thompson, Bennie G., Miss., E1593, E1596, E1598,
 E1599, E1600, E1601, E1603, E1605, E1606, E1607
 Tiberi, Patrick J., Ohio, E1597
 Tipton, Scott R., Colo., E1598
 Visclosky, Peter J., Ind., E1593
 Wittman, Robert J., Va., E1595
 Young, Todd C., Ind., E1602, E1605, E1605, E1607



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